

ALABAMA LAWS
(and Joint Resolutions)
OF THE
LEGISLATURE OF ALABAMA
PASSED AT THE
REGULAR SESSION 1980

VOL. I



FOB JAMES, Governor
GEORGE D. H. McMILLAN, Lieutenant Governor
FINIS ST. JOHN, President Pro-Tem of the Senate
JOE C. McCORQUODALE, JR., Speaker of the House
RICHARD S. MANLEY, Speaker Pro-Tem of the House
McDOWELL LEE, Secretary of the Senate
JOHN W. PEMBERTON, Clerk of the House

**WITH AN INDEX PREPARED BY THE
LEGISLATIVE REFERENCE SERVICE**

The undersigned, as Secretary of State of the State of Alabama, does hereby certify that this book contains bills and joint resolutions enacted at the 1980 Regular Session of the Legislature of Alabama and is the official publication of such acts.

Don Siegelman
Secretary of State



STATE OF ALABAMA

DON SIEGELMAN
SECRETARY OF STATE
MONTGOMERY ALABAMA 36130
(205)832-3570

Hammurabi, the King of Babylon, initiated a practice some 4000 years ago which has become a cornerstone of democratic government—a written code of laws. This ancient concept of the public's right to know is acknowledged and protected by the "due process clause" of the Fourteenth Amendment of the United States Constitution, the Alabama Constitution, and the Code of Alabama, which require that Alabama's laws be published and made available to the public.

However, because the laws are available to the public does not necessarily mean that they are accessible. It is said that one of the hateful acts of the ill-famed Roman Emperor Caligula was that of having the laws inscribed on a pillar so high that the people could not read them. In an effort to lower the "pillar" a tiny notch, and thereby make our laws slightly more accessible to for those who are regular users of the Alabama Acts, a new numbering system was initiated last year.

Under this system, every act of the Legislature, regardless of the type of session in which it was enacted, is numbered sequentially in the order received by the Secreary of State. Numbering begins at the commencement of each calendar year and incorporates a two-digit prefix corresponding to the last two digits of the year of enactment. For example, the first act passed by the legislature in 1980 is designated as Alabama Act 80-1, while the concluding act of the regular session is Alabama Act 80-810.

People behind the scenes who have made these volumes possible include: McDowell Lee, Secretary of the Senate; John Pemberton, Clerk of the House of Representatives; Ann Worthington and Meridith Graves, enrolling and engrossing clerks; Dody Pappanastos and Helen Thorington, technical proofreaders, Louis Greene, Director of the Legislative Reference Service; Edna Erle Young of the Secretary of State's office; and Edward Still, a Birmingham attorney, who provided voluntary advice on the new numbering system.

Suggestions regarding the organization, publication and distribution of these acts are welcomed.

A handwritten signature in black ink, reading "Don Siegelman".

Don Siegelman
Secretary of State

**ADDRESS TO JOINT SESSION OF THE LEGISLATURE
BY GOVERNOR FOB JAMES
AT REGULAR SESSION FEBRUARY 5, 1980**

Governor McMillan, Mr. Speaker, Members of the House and Senate, Citizens of Alabama, I am delighted the legislature is in session. I welcome each of you back to Montgomery. There is work to be done.

During 1979, the cost of your state government was cut by \$50,000,000; yet, in many areas, services were improved. However, we have just touched the tip of the iceberg in streamlining this state's government, thus using your tax dollars to maximum advantage.

The seven percent conditional pay raise granted in the last session for teachers and state personnel has been paid in full through the first quarter. I want to thank the great majority of state employees and classroom teachers who give untiring service to the people of Alabama.

My first request to the legislature is to pass a bill allowing me to use the reserve of the General Fund and ASFIF interchangeably, to insure seven percent teacher and state employee raises for the remainder of the year, and to insure either fund against proration.

The greatest injustice in this country is the inflation imposed upon us all, but, more severely, upon those citizens living off fixed retirement incomes. These citizens, the generation of my parents, through their hard work and sacrifice, have provided us with great opportunity. It is not their fault that as farmers, as housewives, as working men and women, as school teachers, as businessmen, that we suffer extreme inflation. NO, it is the expedient politics of government at all levels, the deficit spending of the federal government, and the flagrant printing of US dollars.

It is right for us to remedy this injustice as best we can, meager as our actions may be.

My second request centers around our senior citizens. My second request to the House and Senate is to pass legislation eliminating the utility tax on electricity for all citizens 65 years of age or older. The lost revenue can be replaced by plugging loopholes in our tax laws relating to casual sales of automobiles.

Medicaid was intended to provide medical services for those who are unable to secure such services through their own efforts or

that of their families. The idea is noble, but like so many government programs, the implementation is ill-conceived, ill-designed, and, if allowed to continue on its present course, will either break the State of Alabama or necessitate new taxes on a continuing basis.

In its first year, 1970, just ten years ago, Medicaid cost the taxpayers of Alabama \$12,000,000. This year, \$94,000,000.

Medicaid has been in the red for the past five years and threatens to bankrupt your state government. This practice is prohibited by our constitution and is against the law.

This problem must be solved. We can and should provide medical care for those who genuinely cannot help themselves and whose families genuinely cannot help them, either. But unless both these conditions are fully met, it is a disgrace to penalize the hard-working, taxpaying citizen in order to subsidize a cost created by the irresponsibility of others.

My third request to the House and Senate is to pass legislation allowing me to transfer \$25,000,000 from the State Insurance Fund to the General Fund to meet Medicaid obligations for the current year and to restore that transfer with interest during the next fiscal year. Concurrently, to pass a resolution petitioning the federal government to modify their regulations, so that we can make Medicaid efficient and at the same time improve the service and stop the abuse. Here are the main points of the petition:

- 1) To permit the State of Alabama to set reasonable co-payment requirements on all Medicaid services.
- 2) To allow the State of Alabama to purchase medical services and supplies on a bid basis to insure maximum quality at an economical cost.
- 3) To allow the State of Alabama to deny eligibility to recipients because of proven abuse.
- 4) To permit the State of Alabama to impose reasonable financial assessments on the families of recipients.

If the federal government does not respond to these reasonable, common-sense requests, the House and Senate must come up with additional revenue or I have no choice but to eliminate the optional programs of Medicaid for the next fiscal year commencing October 1, 1980.

Public education in the broadest sense is an essential function

of government. It is not so stated in the Alabama Constitution. My fourth request to the House and Senate is to pass legislation proposing a constitutional amendment establishing public education as an essential function of government.

Alabama does not have an education policy. My fifth request to the legislature is to pass a bill setting in concrete a policy designed purely for the most precious, special group of all, our children. A policy to win the "War on Illiteracy." Immediate action calling for:

- I. An improved minimum-program law to insure lowering of teacher/student ratios in the basic skills. This is not happening despite declining enrollment and increased funding for the past five years. The money is not getting through to the classroom, and it must.
- II. The expansion of our kindegarten program at the rate of 200 new units per year until this service is available to every child; and to permit local school boards to double-shift kindergarten programs if they so desire.
- III. A standard method of granting diplomas that awards achievement:
 - 1) An academic diploma
 - 2) A vocational diploma
 - 3) A certificate of attendance
- IV. A restructured and stripped-down State Department of Education with six basic missions for grades K-12:
 - 1) To monitor teacher/pupil ratios grade by grade. Averaging on a statewide basis leads to false conclusions.
 - 2) Standard fiscal accountability for all schools, including full disclosure of the relationship between federal, state, and local funds. Alabama ranks 11 in the nation in federal expenditures-per-student; we rank 5 in the nation in state expenditures-per-student; we rank 46 in the nation in local expenditures-per-student. This imbalance of funding needs relief. I urge the legislature to pass House Bill 41, which raises the minimum of local participation from 7 to 10 mills. This a step in the right direction.

- 3) The accurate assessment of student performance by testing and on-sight inspection. Problems are never solved by sweeping them under the rug.
- 4) A required basic-core curriculum for grades K-12, with all other programs optional and determined by local school boards.
- 5) Continued training to improve the skills of teachers, principals, and superintendents with compensation that is competitive in the job market, and commensurate with the qualifications, the performance, and the responsibility of the individual.
- 6) And, last but not least, to develop a standard set of rules that students must follow to insure a level of discipline conducive to learning.

We must never forget the ultimate responsibility for a child's learning lies first at home, and then right in the lap of the classroom teacher—and that responsibility is awesome.

In the “War on Illiteracy,” the teachers are the infantry, the principals are the master sergeants, the superintendents are the captains, and the mamas and daddies are the generals—and, too often, we mamas and daddies have been absentee generals, and that won't work. To every parent in Alabama, I ask your support of this amendment, this policy, and House Bill 41.

I have been in your State Capitol one year. I have looked, I have listened as to how your tax dollars are spent. I am convinced that the earmarking of all your tax dollars is a cancer that needs immediate removal.

Earmarking hurts the very people it was intended to help, because in any given year, when there are extra dollars, the government will swell like a bloated hog; and when dollars are scarce, that bloated hog will continue to feed at the expense of the children, the poor, and the general public.

I understand the history of earmarking, but this is a new day. Let me show you what earmarking is like—a tire tube with a thousand patches.

Earmarking won't stand up when the rubber hits the road. It won't carry Alabama into this decade viable, efficient, sensitive to the real needs of the people. I have no desire to add another patch and play the politics of appeasement and expediency, and allow

the bureaucrats to spend the public's money like drunken sailors.

Earmarking is foolish and unwise. Suppose that, today, your family decides to budget your income; the right amount for food, for house payment, for utilities, for clothes, for insurance, for education, for a car payment. Then, next year, you sit down to budget again. Suppose you are made to budget exactly the same as the year before. Even if your income changes, up or down, your car stops running, your roof leaks, or your child gets sick. What could you do if your income was already earmarked and you could not use it as needed?

Each year the legislature budgets your tax dollars and as long as we have earmarking, your state government will be in the same fix as the family I just described. I need your help to stop earmarking, and I ask you to let your legislators know if you want your tax dollars spent with the same care and discipline with which you spend your own money.

So, I am asking these lawmakers to pass a bill to eliminate statutory earmarking of all state revenue as of September 30, 1981, and to enact legislation proposing a constitutional amendment to eliminate constitutional earmarking of all state revenue as of September 30, 1981. Unearmarking can be Alabama's proposition 13.

I call upon grass-roots Alabama to stand behind me on this. . . because it is right.

Transportation is fundamental to the economic, social, and recreational well-being of every man, woman, and child in Alabama. We are derelict in our duties if we allow our roads and bridges to deteriorate. Yet, it is only fair that state government be efficient before we speak of new revenue.

The cost of running the Highway Department has been cut 8.7%. Revenue for highways is declining as Alabamians buy less gas with a fixed state tax that hasn't changed in 20 years. But, the cost of fixing roads and bridges has gone up like everything else.

The Highway Department together with Public Safety, are actively weighing trucks and enforcing our weight laws. Eleven teams of highway and law enforcement personnel, each with a set of portable truck scales, are being put in the field. This costs money, but will pay off big in preventing overweight vehicles from destroying your roads.

Last year there were approximately two-billion gallons of gasoline purchased in Alabama at an increased cost of 40¢ per

gallon, which equals \$800 million. No rational mind would think the price of gas will not increase another 40¢ per gallon this year as the price rises to match world levels. This is another \$800 million leaving Alabama. All told, one billion six hundred million dollars over a 24-month period. This is economic disaster.

Mississippi and Georgia both have a higher gas tax than Alabama, yet pump prices remain virtually the same in all three states. The price of gas will continue to rise to match world levels and we do ourselves an injustice if we don't take a few cents to fix our roads. I stand ready to support and work with the Joint Highway Committee and other members of the House and Senate in finding the best way to correct this injustice and meet our obvious responsibility.

We have other needs:

- 1) There are elementary and secondary schools to be renovated and in some cases it's time to build new schools. Further delay will result in greater costs.
- 2) There is good reason to employ additional State Troopers in order to safeguard our highway passengers, enforce truck weight laws and speed limits, 24 hours a day, seven days a week.
- 3) Then, there is mental health, the prisons, and our poor, especially the young and the elderly. All need attention.

To pay for these services already places a heavy burden on Alabama taxpayers. I will try to the best of my ability to do what is right. Until our house is in order, I think it is wrong to seek additional revenue, with exception of highways for the unique reasons I have already outlined. I will support another revenue measure that is fair and progressive only when our house is in order.

This house we call Alabama State Government will never be in order until this legislature and your governor can start from scratch, with all funds unearmarked and in one pot, set our priorities according to need, and the lawmakers make appropriations from a zero-based budgeting concept.

We must clear away the obstacles such as earmarking before we get to the problems. We will face all issues head-on and not allow the problems to hang on, become a crisis, end up in the federal courts, and cost the taxpayers more and more.

There can be no new beginning unless there is an end to what has been happening in the past.

The biggest problem I have is that a lot of people want to continue the mistakes of the past. They don't want a new beginning because they liked it the way it was.

I say we must learn from the mistakes of the past. I say we need a new beginning that has meaning to every man, woman and child. It is not my new beginning. It's the people's. I will make a lot of politicians, bureaucrats, wheeler-dealers and those who desperately cling to the past angry as a swarm of hornets, but so long as I know I am helping to bring about that new beginning for the people of Alabama, that's all that matters.

The important thing is to give the people good state government. I'm not worried about politics. I am worried about Alabama next year, in ten years, in 20 years. That's what has meaning to me.

I have tonight proposed solutions to our problems for the short-term and the long-term. I will work day and night to make Alabama a better place to live for every man, woman and child. However, a governor must work within the framework of laws set by the legislature.

I look forward to working closely with every member of the House and Senate. I ask that grass-roots Alabama make their views known, loud and clear. Tonight I ask for your support, I ask for your prayers.

Thank you.

ALABAMA LAWS
and Joint Resolutions
REGULAR SESSION 1980

Act No. 80-1

H.J.R. 4—Manley

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when the two houses adjourn today, Tuesday, February 5, 1980, they adjourn to meet again on Thursday, February 7, 1980; when they adjourn on Thursday, February 7, they adjourn to meet again on Tuesday, February 12, 1980; when they adjourn on Tuesday, February 12, they adjourn to meet again on Thursday, February 14, 1980; when they adjourn on Thursday, February 14, they adjourn to meet again on Wednesday, February 20, 1980; and when they adjourn on Wednesday, February 20, they adjourn to meet again on Thursday, February 21, 1980.

Approved February 14, 1980

Time: 10:00 A.M.

Act No. 80-2

H.J.R. 6—Gafford

HOUSE JOINT RESOLUTION

HONORING MR. JOHNNIE SMITH OF BIRMINGHAM, ALABAMA.

WHEREAS, Mr. Johnnie Smith, though a native of Butler County, Alabama, has been a resident of Birmingham for some 53 years and is now retired following 35 years of diligent, dedicated service as an employee of U. S. Steel Corporation; and

WHEREAS, presently a member of the Retired Steelworkers Union, he spent many years in union leadership during his time of active employment with U. S. Steel; and

WHEREAS, he has further demonstrated outstanding citizenship through participation in numerous other civic, charitable and community affairs, including membership in the Woodlawn Community Civic League, currently serving as president of this fine organization; and

WHEREAS, that he is held in high esteem by his many friends and associates is evidenced by his Session service as an Elder of the Miller Memorial Presbyterian Church; as a longtime member of this church, Mr. Smith's Christian stewardship has encompassed active involvement in all areas of activity in witness to our Lord; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. Johnnie Smith as an outstanding civic leader and citizen of Birmingham, Alabama.

BE IT FURTHER RESOLVED, That Mr. Smith and his devoted wife of 44 years, the former Roberta Ford of Perry County, receive a copy of this resolution as evidence of our sincere praise and in token of our appreciation and esteem.

Approved February 14, 1980

Time: 10:00 A.M.

Act No. 80-3

H.J.R. 9—Holmes

HOUSE JOINT RESOLUTION

EXPRESSING THE LEGISLATURE'S SUPPORT OF PRESIDENT CARTER'S ACTIONS WITH REGARD TO THE IRANIAN CRISIS.

WHEREAS, it is the consensus of the Alabama Legislature that all Americans must stand united in support of our President during this present time of unprecedented crisis brought upon our state and nation by the seizure of some 50 American citizens held hostage by terrorists in Iran; and

WHEREAS, in violation of all international law and sense of morality, these Americans are now in their fourth month of captivity at the hands of the lawless and with the obvious support and approval of the Ayatollah Khomeini, unmistakably an irrational degenerate who defied all attempts at understanding; and

WHEREAS, though moved to rage and thoughts of immediate retaliation, we also know that the safety of our fellow Americans must first be considered and that actions by the administration have necessarily been taken with this thought foremost in mind; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express our full support of President Carter with regard to actions taken against Iran; we further join the administration in assigning to the government of Iran full responsibility for the safety of the American hostages and for their immediate release from captivity.

BE IT FURTHER RESOLVED, That a copy of this resolution be dispatched to President Carter that he may be advised of the Alabama Legislature's supportive concurrence in his concern first for the safety of the American hostages in Iran and for the safety at all times of all American citizens throughout the world.

Approved February 14, 1980

Time: 10:00 A.M.

Act No. 80-4

H. 130—Minus

AN ACT

To propose an amendment to the Constitution of Alabama relating to court costs and charges in Sumter County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

PROPOSED AMENDMENT

"The legislature may from time to time, by general or local laws, fix, alter and regulate the costs and charges of courts in Sumter County, and the method of disbursement thereof."

Section 2. An election upon the proposed amendment is ordered to be held on the date of the general election next succeeding the final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive

weeks next preceding the day appointed for the election in a newspaper in each county of the State. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

CONSTITUTIONAL AMENDMENT

Passed the House February 12, 1980

Passed the Senate February 20, 1980

Act No. 80-5

H.J.R. 10—Venable

HOUSE JOINT RESOLUTION

PROVIDING A COMMON DATE OF MARCH 11, 1980 FOR HOLDING ELECTIONS ON ALL CONSTITUTIONAL AMENDMENTS PROPOSED AT THE 1979 REGULAR SESSION OF THE LEGISLATURE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That an election upon the constitutional amendments proposed by the following acts of the 1979 Regular Session of the legislature is ordered to be held on March 11, 1980, the date of the presidential primary election: Act No. 79-541, S. 142; Act No. 79-337, H. 959; Act No. 79-485, H. 653; Act No. 79-330, H. 286 Act No. 79-121, H. 185; Act No. 79-459, H. 495; Act No. 79-329, H. 620; Act No. 79-333, H. 916.

Approved February 21, 1980

Time: 11:15 A.M.

Act No. 80-6

H.J.R. 12—Manley

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, THE SENATE THEREOF CONCURRING, That there is hereby created a joint committee of the two Houses to Investigate the Alleged Funding Improprieties, Investment Inadequacies and Other Fiscal Discrepancies in Higher Education;

The Committee shall be composed of five (5) members of the House of Representatives to be appointed by the Speaker of the

House and five (5) members of the Senate to be appointed by the Lieutenant Governor. The Committee shall meet immediately upon its appointment and elect a chairman and vice-chairman from its membership;

The Committee shall meet at any time during the 1980 Regular Session of the Legislature when the Legislature is not in session preferably on Wednesday when other legislators can be available to hear the testimony; said Committee shall make a written report of its findings to the House of Representatives and to the Senate on or before the Fifteenth (15th) Legislative Day of the 1980 Regular Session and shall terminate on the 15th Legislative Day.

BE IT FURTHER RESOLVED That no funds shall be appropriated to the Committee, but the Clerk of the House and the Secretary of the Senate are directed to supply such secretarial, clerical and research assistance as might be required or needed by the Committee;

That the Governor, Finance Director or former Finance Director and current Fiscal Advisor are requested to supply to the chairman of this Committee forthwith a copy of the report of financial discrepancies in higher education fiscal matters that has been referred to by the press in recent weeks;

Further, all institutions of higher education are directed to respond to the committee's request for any financial records, investment portfolios or other monetary reports, records or dealings promptly as requested by the Committee;

The Committee is directed to forthwith hold public hearings in the House Chamber to obtain a full disclosure of the alleged financial improprieties and a full and complete response and disclosure by all institutions of higher education.

Approved February 21, 1980

Time: 3:15 P.M.

Act No. 80-7

H.J.R. 13—Dixon, Adams (C),
 Adams (H), Albright, Amari,
 Barton, Bedsole, Bennett,
 Biddle, Blake, Boles,
 Bowling, Brakefield, Buskey,
 Cabaniss, Campbell,
 Carothers, Carter, Cates,
 Cheatwood, Clark, Cobb,

Coburn, Cooley, Cosby, Crow,
 Daniels, Dial, Drinkard,
 Edwards, Ford, Gafford,
 Gilmer, Goodwin, Greer,
 Gregg, Grimsley, Grouby,
 Hall, Hammett, Harper (O),
 Harper (T), Harrison,
 Harvey, Hilliard, Hines,
 Holley, Holmes, Horn,
 Howard, Jackson,
 Johnson (R.G.),
 Johnson (Roy), Kelley,
 Kennedy, Laird, Langford,
 Letson, Lewis,
 McCorquodale, McKee,
 McMillan, Manley, Minus,
 Mitchell, Moore, Naramore,
 Nevett, Olive, Owens, Parker,
 Patton, Payne, Pegues,
 Penry, Rains, Ray, Reed,
 Riddick, Roberts, Sandusky,
 Sasser, Seibels, Shavers,
 Shoemaker, Smith (C),
 Smith (J), Smith (M),
 Starkey, Stewart, Stout,
 Trammell, Tucker, Turner,
 Turnham, Venable,
 Waggoner, Ward, Warren,
 Whatley, Williams, Willis,
 Wyatt, Zoghby

HOUSE JOINT RESOLUTION

HONORING MRS. KATE SIMMONS UPON HER RETIREMENT.

WHEREAS, Savilla Katherine Thompson Simmons, known to all as "Miss Kate", has rendered fifty-one years of loyal and dedicated service to the State of Alabama; and

WHEREAS, Miss Kate has faithfully served every governor since Governor Bibb Graves in 1930; and

WHEREAS, her retirement on January 31, 1980 marked the end of an illustrious career as Alabama's No. 1 public servant; and

WHEREAS, her presence will be sorely missed by everyone who has known and worked with her over the years; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that the Legislature of Alabama hereby expresses our most heartfelt appreciation to Mrs. Kate Simmons for the decades of unselfish service she has rendered to the State of Alabama.

BE IT FURTHER RESOLVED, that the desk and typewriter which Miss Kate used during her tenure as Recording Secretary to the Governor's Office be presented to Miss Kate as a token of appreciation and esteem from the people of Alabama and in recognition of a job well done.

Approved, February 21, 1980

Time: 11:15 A.M.

Act No. 80-8

H.J.R. 15—Riddick, Smith (J), Gregg,
Smith (M), Albright, Hall

HOUSE JOINT RESOLUTION

COMMENDING DR. OTIS FRANKLIN GAY ON HIS OUTSTANDING CAREER IN THE FIELD OF PUBLIC HEALTH AND RELATED AREAS.

WHEREAS, having learned of the retirement of Dr. Otis Franklin Gay as Health Officer, Huntsville, Alabama, on January 1, 1980, the Alabama Legislature desires to recognize Dr. Gay's many outstanding accomplishments and contributions of note in the vital area of Public Health; and

WHEREAS, a native of Clark County, Georgia, Dr. Gay was educated in the Georgia public schools and holds a degree in Pharmacy from the University of Georgia, Doctor of Medicine and Master of Public Health Degrees from Tulane University and his Doctor of Laws Degree from the University of Alabama; he is a member of the Madison County Medical Society, Medical Association of the State of Alabama, American Medical Association, the American Public Health Association, Delta Omega Honorary Public Health Society and he is a Fellow of the Royal Society of Health, England, having been elected by invitation in 1965; and

WHEREAS, a founder and past president of the Alabama Public Health Association, he also is a founder of the Alabama Association of Sanitarians and is the recipient of numerous awards which include the William Henry Sanders Award of the Medical

Association of Alabama and the 1975 Huntsville's Distinguished Citizen's Award by the Chamber of Commerce; he further has served in various capacities of leadership on many committees and boards of charitable, civic and cultural organizations at both local and statewide levels; and

WHEREAS, Dr. Gay's prestigious career is highlighted by achievement, innovation and positive reform; he is responsible for the adoption of professional policies and procedures which now are generally accepted throughout the country as correct and necessary and he has also played a major roll in effectuating numerous important programs now developed, promulgated and enforced by the health department; and

WHEREAS, since 1950, Dr. Gay has devoted his professional life to dedicated service in "protecting the health and well-being of the people of Huntsville and Madison County;" he has successfully established health care in the Huntsville and surrounding areas as responsive to the needs of his fellow citizens and has earned for himself a position of honor and prestige in his chosen profession; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Dr. Otis Franklin Gay on his outstanding career; we wish him every future success and direct that he receive a copy of this resolution in token of appreciation and in praise.

Approved February 21, 1980

Time: 11:15 A.M.

Act No. 80-9

H.J.R. 17—Dixon

HOUSE JOINT RESOLUTION

PROCLAIMING THAT PORCELAIN PAINTING CAN BE DEFINED AS A "FINE ART" IN THE STATE OF ALABAMA.

WHEREAS, for purposes of right of reproduction, transfer of ownership and sale, and for the further purpose of entering artistic works in fine art shows, art fairs and other exhibitions, it is desirable that various mediums be clearly defined; and

WHEREAS, in the State of Alabama, there are many artists who almost exclusively use the medium of porcelain painting as a

method of artistic expression; and

WHEREAS, not only are the artistic endeavors of porcelain painters as lasting as works on canvas, wood or paper, but the art itself requires a more exacting technique than most other mediums as the porcelain must be fired between each application to set colors into the glaze and various colors, of necessity, are fired at different temperatures; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That, in recognition of porcelain painting as a true art form and on behalf of our state's many porcelain artists, we hereby proclaim that, in the State of Alabama, porcelain painting, for any purpose, shall henceforth be defined as "fine art."

Approved February 21, 1980

Time: 11:15 A.M.

Act No. 80-10

H.J.R. 20—Penry, Amari, McMillan

HOUSE JOINT RESOLUTION

EXPRESSING APPRECIATION OF THE LEGISLATURE TO MS. MILLIE MACCIA OF GULF SHORES, ALABAMA.

WHEREAS, as a result of Hurricane Frederic, Alabama's beautiful Gulf Shores area was almost totally destroyed, leaving thousands of area residents homeless and bereft of all personal possessions; and

WHEREAS, following the storm, residents and workers began the formidable task of restoring order, repairing, rebuilding and beginning anew; and

WHEREAS, Ms. Millie Maccia, owner of the Anchorage Social Club, is to be most highly commended for her efforts on behalf of Gulf Shores' residents and property owners, and the countless number of workers involved in the restoration labors; her establishment was opened immediately after the storm and remained open continuously, serving hot meals, over 150,000 in all, to residents and workers in the area; and

WHEREAS, it is to be noted that Ms. Maccia and her employees provided exceptional service under extremely difficult circumstances, working tirelessly and with dedication, considering only the immediate needs of the affected South Alabama citizens;

now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of extraordinary service to others, we do hereby most highly commend Ms. Millie Maccia of Gulf Shores, Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Ms. Maccia that she may be aware of this body's deep appreciation, of our high praise, and esteem.

Approved February 21, 1980

Time: 11:15 A.M.

Act No. 80-11

H.J.R. 21—Penry, McMillan

HOUSE JOINT RESOLUTION

COMMENDING MS. HAZEL SCRUGGS OF GULF SHORES, ALABAMA, FOR OUTSTANDING SERVICE TO OTHERS IN THE AFTERMATH OF HURRICANE FREDERIC.

WHEREAS, in its desire to recognize outstanding service to others, the Legislature of Alabama notes, with deep appreciation, the extraordinary dedication demonstrated by Ms. Hazel Scruggs of Gulf Shores, Alabama, for the residents, property owners and workers in the area following Hurricane Frederic; and

WHEREAS, to insure that hot meals would be available, Ms. Scruggs, owner of Hazel's Nook in Gulf Shores, reopened her establishment immediately after the storm and began serving the countless thousands in the area, those left homeless by the ravages of the storm and those who converged on Gulf Shores to begin the monumental task of cleaning up the debris and repairing the havoc left by the hurricane; and

WHEREAS, it is especially to be noted that meals were provided free of charge to members of the Alabama Army and Air National Guards on duty in the area; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Ms. Hazel Scruggs of Gulf Shores, Alabama, voicing our praise and appreciation for dedicated service to the many South Alabama citizens affected by Hurricane Frederic.

BE IT FURTHER RESOLVED, That Ms. Scruggs receive a copy of this resolution as but a token of the Alabama Legislature's profound admiration and esteem.

Approved February 21, 1980

Time: 11:15 A.M.

Act No. 80-12

H.J.R. 23—Gafford

HOUSE JOINT RESOLUTION

EXPRESSING CONCERN FOR MISS LYNN PIPPIN AND
WISHING HER AN EARLY AND COMPLETE RECOVERY.

WHEREAS, regrettably, we have learned that Miss Lynn Pippin, the daughter of Mrs. Louise Pippin and the late Earl C. Pippin, is hospitalized in Saint Margaret's Hospital in Montgomery, recuperating from surgery necessitated by serious injuries suffered in an automobile accident on February 2, 1980; Miss Pippin, who is a resident of Montgomery, was enroute to her home from Troy when the accident occurred; and

WHEREAS, though her condition is yet serious, we are prayerfully confident of a complete recovery, anticipating that Lynn will soon be home with her family and enjoying the company of her many friends and well-wishers; and

WHEREAS, the members of this body remember Lynn's father with affection and esteem; Earl Pippin was a long-time and loyal friend, as is his wife, Louise, with whom we now share a deep concern in a time of adversity; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we were indeed distressed to learn of the unfortunate accident experienced by Miss Lynn Pippin and most earnestly beseech for her an early and complete recovery from her injuries.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Lynn that she may know of our sincere good wishes for her and for all her family.

Approved February 21, 1980

Time: 11:15 A.M.

Act No. 80-13

H.J.R. 25—McCorquodale

HOUSE JOINT RESOLUTION

CONGRATULATING JACKSON ACADEMY AS FINALISTS IN THE BATTLE FOR THE STATE 3A APSA FOOTBALL CHAMPIONSHIP.

WHEREAS, the Jackson Academy varsity football team enjoyed an outstanding 1979 season with a 10-2 record, overall, following a near miss in the finals for the State 3A APSA Football Championship; and

WHEREAS, Head Coach Wayne Blackwell and his assistants, Coaches Sam Miller, Robert Gartman and Charles Parker, are to be congratulated for directing the Eagles to the best season in Jackson Academy history, with credit also due each and every member of the team for his integral part in helping to achieve this fine season record and the runner-up position in championship play; and

WHEREAS, the spirit of good sportsmanship and fair play displayed by the Eagles all season long, as well as their dedicated effort and enthusiasm, was a reflection of the loyal support and encouragement of their fellow students, faculty, parents and other fine citizens of their community; now therefore,

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate the Jackson Academy Eagles on both their outstanding 1979 season and on their participation in the Finals for the State 3A Crown.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Headmaster Rance Carr for appropriate school display, with a copy also provided Coach Blackwell, on behalf of his fine assistants and all members of the team, that they may know of our congratulations, high praise and esteem.

Approved February 21, 1980

Time: 11:15 A.M.

Act No. 80-14

H.J.R. 26—McCorquodale

HOUSE JOINT RESOLUTION

CONGRATULATING JACKSON HIGH SCHOOL, CO-CHAMPIONS OF STATE 3A FOOTBALL FOR 1979.

WHEREAS, the Alabama Legislature is pleased to note that Jackson High School captured the State 3A Football Championship, sharing the honor with Colbert County High, as a result of a 0-0 tie in the finals on December 7, 1979; and

WHEREAS, the Aggies' overall record for the season was an outstanding 12-1-1, the result of many long hours of diligent practice, enthusiasm for the sport and dedication to team effort and cooperation; and

WHEREAS, such an enviable record is due in large part to the expert coaching abilities and all-out efforts of Head Coach Barry Pennington and Assistant Coaches Russell Dean, Matthew Jones, Mike Garrett, Richard Sanders and Billy Guy, all of whom contributed greatly to the development of this fine Clarke County team; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend the Jackson High School Aggies as Co-Champions of State 3A Football, 1979.

BE IT FURTHER RESOLVED, That a copy of this resolution, presented in congratulatory praise, shall be sent to Coach Pennington on behalf of his assistants and the entire team, with a copy also sent to Principal Frank Barbaree for appropriate school display.

Approved February 21, 1980

Time: 11:15 A.M.

Act No. 80-15

H.J.R. 27—Gafford, Adams (C),
 Adams (H), Albright, Amari,
 Barton, Bedsole, Bennett,
 Biddle, Blake, Boles,
 Bowling, Brakefield, Buskey,
 Cabaniss, Campbell,
 Carothers, Carter, Cates,
 Cheatwood, Clark, Cobb,
 Coburn, Cooley, Cosby, Crow,
 Daniels, Dial, Dixon,
 Drinkard, Edwards, Ford,
 Gilmer, Goodwin, Greer,
 Gregg, Grimsley, Grouby,
 Hall, Hammett, Harper (O),

Harper (T), Harrison,
 Harvey, Hilliard, Hines,
 Holley, Holmes, Horn,
 Howard, Jackson,
 Johnson (R.G.),
 Johnson (Roy), Kelley,
 Kennedy, Laird, Langford,
 Letson, Lewis,
 McCorquodale, McKee,
 McMillan, Manley, Minus,
 Mitchell, Moore, Naramore,
 Nevett, Olive, Owens, Parker,
 Patton, Payne, Pegues,
 Penry, Rains, Ray, Reed,
 Riddick, Roberts, Sandusky,
 Sasser, Seibels, Shavers,
 Shoemaker, Smith (C),
 Smith (J), Smith (M),
 Starkey, Stewart, Stout,
 Trammell, Tucker, Turner,
 Turnham, Venable,
 Waggoner, Ward, Warren,
 Whatley, Williams, Willis,
 Wyatt, Zoghby

HOUSE JOINT RESOLUTION

EXPRESSING THE LEGISLATURE'S APPRECIATION
 TO MAYOR EMORY FOLMAR AND THE CITY COUNCIL OF
 MONTGOMERY, ALABAMA.

WHEREAS, with parking always a problem in the vicinity of the State Capitol Complex, the situation becomes even more critical during Legislative Sessions due to the required presence of innumerable additional workers as support personnel; and

WHEREAS, with the Capitol now undergoing renovation involving not only necessary, but crucial structural repairs, it became compulsory to temporarily eliminate many of the parking spaces that heretofore have been allotted for Legislative use; and

WHEREAS, Mayor Emory Folmar and the Montgomery City Council in a spirit of generous cooperation have allotted a number of on-street parking spaces to be used by members of the Legislature when in session and for the interim required for Capitol renovation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF
 ALABAMA, BOTH HOUSES THEREOF CONCURRING, That

we hereby express sincere appreciation to Mayor Emory Folmar, and to all members of the Montgomery City Council, for their generous gesture in allocating parking space on Union Street for the use of the Legislature.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mayor Folmar, and a copy to Chairman Willie Peak on behalf of the Council, in token of appreciation for their kindness.

Approved February 21, 1980

Time: 11:15 A.M.

Act No. 80-16

H.J.R. 28—Harvey, Adams (C), Adams
 Adams (H), Albright, Amari,
 Barton, Bedsole, Bennett,
 Biddle, Blake, Boles,
 Bowling, Brakefield, Buskey,
 Cabaniss, Campbell,
 Carothers, Carter, Cates,
 Cheatwood, Clark, Cobb,
 Coburn, Cooley, Cosby, Crow,
 Daniels, Dial, Dixon,
 Drinkard, Edwards, Ford,
 Gafford, Gilmer, Goodwin,
 Greer, Gregg, Grimsley,
 Grouby, Hall, Hammett,
 Harper (O), Harper (T),
 Harrison, Hilliard, Hines,
 Holley, Holmes, Horn,
 Howard, Jackson,
 Johnson (R.G.),
 Johnson (Roy), Kelley,
 Kennedy, Laird, Langford,
 Letson, Lewis,
 McCorquodale, McKee,
 McMillan, Manley, Minus,
 Mitchell, Moore, Naramore,
 Nevett, Olive, Owens, Parker,
 Patton, Payne, Pegues,
 Penry, Rains, Ray, Reed,
 Riddick, Roberts, Sandusky,
 Sasser, Seibels, Shavers,
 Shoemaker, Smith (C),
 Smith (J), Smith (M),

Starkey, Stewart, Stout,
Trammell, Tucker, Turner,
Turnham, Venable,
Waggoner, Ward, Warren,
Whatley, Williams, Willis,
Wyatt, Zoghby

HOUSE JOINT RESOLUTION

MOURNING THE TRAGIC AND UNTIMELY DEATH OF MICHAEL EUGENE DIXON OF CLEVELAND, ALABAMA.

WHEREAS, the Legislature of Alabama, having noted the death of Michael Eugene Dixon on August 31, 1979, expresses shared sorrow with the Community of Cleveland, the students, faculty and staff of Cleveland High School and, most especially, with Mr. Dixon's family who are so sorely grieved by their great loss; and

WHEREAS, Coach Michael Dixon's life was tragically ended when he was struck by lightning during a football practice session with his players on the field; a Cleveland native and a graduate of Cleveland High School and Jacksonville State University, Mike Dixon was in his fifth year as Physical Education instructor at his high school Alma Mater; and

WHEREAS, through his membership in the Cleveland Baptist Church and the Cleveland Booster Club, and through participation in the numerous civic and charitable affairs of his community, Mike Dixon could count among his close friends and associates all of his fellow citizens in his beloved hometown; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are grievously saddened by the death of Michael Eugene Dixon of Cleveland, Alabama, and extend our most heartfelt sympathy to all members of his family.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to his wife, Mrs. Lynn Baba Dixon, to his son Daniel Mark, to his parents, Mr. and Mrs. Alvin Lee Dixon, and to other family members that they may know we deeply share the sorrow of their loss.

Approved February 21, 1980

Time: 11:15 A.M.

Act No. 80-17

H.J.R. 30—Grouby

HOUSE JOINT RESOLUTION

DESIGNATING FEBRUARY 12 TO FEBRUARY 22 IN EACH YEAR AS "NATIONAL DEFENSE WEEK."

WHEREAS, in order to rededicate Alabamians with purposeful understanding to the needs and purposes of our country's national defense and to again appreciate the principle that only with strength, courage, understanding and conviction can our country progress in a difficult world; and

WHEREAS, upon these principles rests a strong national defense for the benefit of all Americans; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Governor of Alabama is hereby requested to designate and dedicate February 12 to 22 of each year as "National Defense Week."

RESOLVED FURTHER, That it is not the purpose of this resolution to declare a legal holiday, but a week for discussion, reflection, education, and exchange of ideas and views for the development of a better understanding and basis for action concerning the needs and purposes of our country's defense, and of our way of life.

BE IT FURTHER RESOLVED, That copies of this resolution shall be sent to Governor Fob James and to Major William Guy Stevens, USAFR, Alabama Department National Defense Week Chairman, Reserve Officers Association, 105 Capri Court, Prattville, Alabama 36067.

Approved February 21, 1980

Time: 11:15 A.M.

Act No. 80-18

S.J.R. 3—St. John, Robertson,
deGraffenried, Callahan,
Goodwin, White, Proctor,
Bailey, Barron, Britnell,
Clemon, Cook, Denton,
Figures, Glass, Gullledge,
Hall, Harrison,
Higginbotham, Holmes,

Keener, Kirkland, Lemaster,
 Little, McDonald, Martin,
 Miller, Mitchem, Parsons,
 Pearson, Smith, Taylor,
 Teague, Vacca, and Weeks

SENATE JOINT RESOLUTION

INVITING COACH PAUL W. BRYANT TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

WHEREAS, during the past two decades, the State of Alabama has become the undisputed giant of college football, almost entirely due to the outstanding leadership and coaching genius of Coach Paul William "Bear" Bryant; and

WHEREAS, Coach Bryant, during his tenure at the University of Alabama, has no doubt established and compiled more records than any other coach in the entire history of the game; and

WHEREAS, numbered among his accomplishments are: Winner of the most games during a 10-year period, 21 consecutive bowl appearances at Alabama, more wins than any other living coach, 19 Alabama teams in the nation's top ten, and he is now riding the nation's longest winning streak; Coach Bryant also is the winner of more national titles than any other coach, he is National Coach of the Decade for the 1970's, he has been Coach of the Year more times than any other, he is Southeastern Conference Coach of the Century and is the only coach ever to win two back-to-back national championships; and

WHEREAS, the 1979 Crimson Tide's twelve big wins raised the number of Alabama victories in the past 10 years to 103, making the Tide the first ever to win 100 or more games in a decade; and

WHEREAS, with 296 career victories now to his credit, Coach Bryant is just nineteen wins away from breaking Amos Alonzo Stagg's all-time record to become the winningest coach in the history of football, a record which true Tide and "Bear" fans expect never again to be broken; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most respectfully request Coach Paul "Bear" Bryant to address a joint session of the Legislature at his earliest possible convenience.

BE IT FURTHER RESOLVED, That the Secretary of the Senate is hereby directed to inform Coach Bryant, by copy of this resolution, of our invitation and that we hopefully await his

acceptance.

Approved February 21, 1980

Time: 11:15 A.M.

Act No. 80-19

S.J.R. 4—deGraffenried, Robertson,
St. John, Cook and Goodwin

SENATE JOINT RESOLUTION

COMMENDING THE UNIVERSITY OF ALABAMA'S
CRIMSON TIDE, NATIONAL FOOTBALL CHAMPIONS, 1979.

WHEREAS, back-to-back National Champions, the Alabama Crimson Tide, made a clean sweep in 1979--voted Number One in the United Press International and Associated Press final college football polls, named as the recipient of both the Grantland Rice and the McArthur Bowl awards and, most recently, of the annual Hertz Number One Award; they also have been declared national champions by a host of other voting group; and

WHEREAS, going into the 46th annual Sugar Bowl Classic, ranked first by UPI and second in the AP poll, just 1½ points behind Ohio State, the Tide clinched their titles by soundly trouncing the powerful University of Arkansas Razorbacks, 24-9, a convincing nationally-televised win and Bama's first time ever to play twelve undefeated games in one season; and

WHEREAS, its winning streak now stretched to twenty-one straight, currently the longest of all major college teams in the nation, the University of Alabama basks in the glory of being the consensus 1979 College Football Champions, a goal realized through Bama's traditional dedication to team work and a big touch of "Class" so designated by Coach Paul "Bear" Bryant as unique to championship; and

WHEREAS, the Crimson Tide wears its Crown proudly which, almost unbelievably, is its sixth National Championship since that first one in sixty-one under Coach Bryant; and

WHEREAS, even as they share the fame, the Tide also shares credit for victory with outstanding performances by all its players, all season long; Bama's offense put 383 points on the board while its awesome defense held opponents to a miserly 67 total for the year including five absolute shut-outs, and this season's unblemished record raised the number of Alabama victories in the past ten years

to 103, the only team in college football history to win 100 or more games over the period of a decade; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most proudly praise and commend the Crimson Tide of the University of Alabama on both its magnificent 1979 season and, above all, on its National Football Championships.

BE IT FURTHER RESOLVED, That copies of this resolution be presented to Coach Paul Bryant, to each of his distinguished assistant coaches, and to all members of the 1979 Championship team as evidence of our esteem, and in recognition and appreciation of the fame and high honor they each have brought to the entire State of Alabama.

Approved February 21, 1980

Time: 11:15 A.M.

Act No. 80-20

S.J.R. 5—Robertson, deGraffenried and
Miller

SENATE JOINT RESOLUTION

HONORING COLONEL JOHN T. SULLIVAN UPON HIS
RETIREMENT FROM THE ALABAMA NATIONAL GUARD.

WHEREAS, the Legislature of Alabama has noted the announced retirement of Colonel John T. Sullivan of Tuscaloosa, Alabama, after a prestigious military career spanning a period of 36 years; and

WHEREAS, following his 1942 graduation from Tuscaloosa High School, John Sullivan enlisted in the United States Marine Corps and was soon selected for Marine aviation; during World War II, he served on 68 combat missions in the South Pacific areas of New Britain, Bougainville, New Ireland and New Georgia; and

WHEREAS, discharged in 1945, he returned to Tuscaloosa and entered the University of Alabama, joining advanced ROTC and graduating in 1947, commissioned as a second lieutenant in the infantry of the U. S. Army Reserve; he was called to active duty during the Korean Conflict, serving until 1952, and then worked for some two years with the B. F. Goodrich Company in Tuscaloosa, numbering among his coworkers and friends "Big Ed" Robertson, our colleague in the Alabama Senate; and

WHEREAS, since 1953, John Sullivan has been associated with the Alabama National Guard; he was promoted to the rank of Colonel in 1975, serving at retirement as deputy commander of the 31st Separate Armored Brigade and as full time command administrative assistant of the brigade which has approximately one-fourth of all Alabama Army National Guardsmen under its supervision and command; and

WHEREAS, Colonel Sullivan's duties and responsibilities have been both numerous and varied during his guard career, as units are called into service on occasions of natural disasters, civil disturbances and other emergencies; in the past 27 years, activations have occurred as the result of school integration orders, civil rights marches and demonstrations as well as tornadoes, floods and many other disasters and emergencies; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend Colonel John T. Sullivan upon his retirement from the military and sincerely wish him well in all future endeavors.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Colonel Sullivan that he may know of our warm best wishes, congratulations and high praise.

Approved February 21, 1980

Time: 11:15 A.M.

Act No. 80-21

S.J.R. 6—Kirkland

SENATE JOINT RESOLUTION

EXTENDING AN INVITATION TO ALABAMA'S CONGRESSIONAL DELEGATION TO ATTEND AND ADDRESS THE 1980 REGULAR SESSION OF THE ALABAMA LEGISLATURE.

WHEREAS, the direction of the United States Congress during the next three years is of utmost importance to the members of the Legislature of Alabama and to all citizens of our State; and

WHEREAS, among many areas of direct bearing on our State is the planned use of federal funds in Alabama which would substantially affect our appropriation and utilization of state revenues; and

WHEREAS, cooperation between the Congress and our State legislature is not only desirable, but is vitally necessary for maximum achievement by this body in the best interest of the State of Alabama and its citizenry; and

WHEREAS, our representatives in Washington, with insight and understanding of the problems facing our nation, the Southeast and our State, are in a position to advise and inform that we might better and more wisely assume the leadership for which we were elected for the next four years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most respectfully request the Alabama Congressional Delegation to attend and address the 1980 Regular Session of the Alabama Legislature.

BE IT FURTHER RESOLVED, That the Secretary of the Senate is hereby requested to inform our representatives in Washington, by copies of this resolution, of our invitation, and of our respectful request that, following conference among themselves, we be notified as to when they will be available to speak, and they are respectfully urged to arrange their meeting during the month of February, 1980, due to the many critical Federally related issues and to be especially prepared to address Medicaid problems, and solutions.

Approved February 21, 1980

Time: 11:15 A.M.

Act No. 80-22

S.J.R. 7—Weeks

SENATE JOINT RESOLUTION

CONGRATULATING AND COMMENDING THE GOSHEN HIGH SCHOOL EAGLES ON THEIR OUTSTANDING 1979 FOOTBALL SEASON.

WHEREAS, the Goshen High School Eagles enjoyed an outstanding 1979 football season, 8-2 in regular season play and 9-2 overall following their participation in the prestigious Lions' Bowl, the oldest high school bowl game in the State of Alabama; and

WHEREAS, participants for the Lions' Bowl are selected by committee, based on season records, and all proceeds are allocated for the Lions' Sight Conservation Program; the 1979 championship

game held on November 11, 1979, was the series' 25th year with the Goshen High School Eagles claiming the crown by virtue of their 15-13 win over Louisville High; and

WHEREAS, the Goshen Eagles captured the championship under the talented leadership of Head Coach Bob Booth and his assistants, Travis Johnson, Calvin Griffin and Mike Edwards, all of whom are deserving of much credit as are each and every member of the team contributing to such a successful season and to the post-season bowl victory; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate and commend Coach Bob Booth and his assistants, and all members of the Lions' Bowl Championship team, for outstanding accomplishments on the gridiron in 1979.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Principal James Gibson for appropriate school display with a copy also provided for Coach Booth and his assistants on behalf of their team.

Approved February 21, 1980

Time: 11:15 A.M.

Act No. 80-23

S.J.R. 8—Proctor

SENATE JOINT RESOLUTION

COMMENDING THE UNIVERSITY OF MONTEVALLO PHYSICAL EDUCATION CLUB FOR THEIR EFFORTS IN BEHALF OF SPECIAL OLYMPICS.

WHEREAS, the University of Montevallo Majors Club was the recipient of the Willis J. Baughman Award which is presented annually to the outstanding majors club in the state; and

WHEREAS, since 1972, the Physical Education Club of the University of Montevallo has hosted Special Olympics, District 10, consisting of five counties: Bibb, Shelby, St. Clair, Chilton and Coosa Counties; and

WHEREAS, the Physical Education Club has organized, kept records, served on all committees and officiated all events; and

WHEREAS, University of Montevallo personnel have worked with all teachers in the counties to make it a success for five to eight hundred participants each year; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Dr. Miriam Collins, Dr. Frank Lightfoot, Dr. Margaret Blalock and Dr. Ward Tishler for their dedication and their many hours of service in behalf of hundreds of students; we further commend Student Coordinator, Ms. Anne Dawson, whose contributions are recognized not only at the local level, but on the state and national levels as well, with commendations also extended to the UM Physical Education Club president, Ms. Tammy Richardson, and to the other officers of the Club.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the above named individuals that they may know of our sincere praise and of our appreciation for their efforts in behalf of Special Olympics.

Approved February 21, 1980

Time: 11:15 A.M.

Act No. 80-24

H. 177—Owens

AN ACT

Relating to Bibb County; amending Section 1 of Act No. 1381, H. 2294 of the 1971 Regular Session (Acts 1971, p. 2327), so as to provide further for the election of the members of the county governing body, requiring that each be elected by the qualified electors residing only within his district; and providing the provisions of this act will become effective upon approval by a majority of the qualified voters in a referendum called for that purpose.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 1381, H. 2294 of the 1971 Regular Session (Acts 1971, p. 2327) is hereby amended to read as follows:

“Section 1. Each commissioner of the governing body of Bibb County, when he is elected and throughout the time in which he serves, shall reside in and be a qualified elector of the district which he represents and shall be elected only by the qualified electors of his respective district.”

Section 2. The provisions of this Act shall be inoperative, null and void in ab initio unless approved by a majority of the qualified electors of Bibb County who vote thereon at a referendum held for such purpose. The election shall be held and conducted as nearly as may be in the same manner as elections on amendments to the Constitution, and shall be held on the first election day in the county

next following final passage of this Act. Notice of the election shall be given by the Judge of Probate of Bibb County, which notice shall be published once a week for three successive weeks prior to the day of the election. On the ballots to be used at the election, the proposition shall be stated substantially as follows: "Do you favor the local law requiring that each commissioner shall reside in the district and be elected by a majority of the qualified electors only from that district? Yes () No ()." If a majority of the votes cast at the election are in the affirmative, this Act shall be in full force and effect at the next election for county commissioner following the referendum. If a majority of the votes cast are in the negative, this Act shall have no further force or effect and shall become void in ab initio. The Judge of Probate of Bibb County shall certify the results of the election to the Secretary of State within thirty days after the returns have been canvassed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, except as otherwise herein provided.

Approved February 25, 1980

Time: 2:45 P.M.

Act No. 80-25

H. 220—Campbell

AN ACT

Relating to Calhoun County; to provide for a referendum election to consider the question of whether the county should construct a new county courthouse or renovate and expand the existing courthouse and finance all or part of such construction by the levy of new taxes by the county commission; and to provide for the authority of the county commission to levy additional taxes and issue bonds to finance a new county courthouse or to renovate and expand the existing courthouse in the event the referendum vote is affirmative.

Be It Enacted by the Legislature of Alabama:

Section 1. The Calhoun County Commission shall call a referendum election to consider the question of whether the county should construct a new county courthouse or renovate and expand the existing courthouse and finance all or part of such construction by the levy of new taxes by the county commission. The referendum election shall be held on the date of the next statewide or

countywide election or presidential preference election held two or more weeks after the effective date of this Act. The county commission shall give notice once of the holding of the election in a newspaper of general circulation in the county. On the ballots to be used, the questions shall be stated substantially as follows:

“Do you favor the construction of a new courthouse and the financing of all or part of such construction by the levy of new taxes by the county commission? Yes_____No_____”and

“Do you favor the renovation and expansion of the existing courthouse and the financing of all or part of such renovation and expansion by the levy of new taxes by the county commission? Yes_____No_____”

If a majority of the votes cast at the election on either question is affirmative, the remaining provisions of this Act shall be in full force and effect. If a majority of the votes cast at the election is negative on both questions, the provisions of this Act shall have no further force or effect.

Section 2. If a majority of the votes cast at the election is affirmative on the first question, the county commission shall have authority to levy and collect any additional tax not prohibited by the Constitution of Alabama of 1901, as amended, for the sole purpose of building and furnishing a new courthouse. If a majority of the votes cast at the election is affirmative on the second question, the county commission shall have authority to levy and collect any additional tax not prohibited by the Constitution of Alabama of 1901, as amended, for the sole purpose of the renovation and expansion of the existing courthouse.

The county commission shall, in addition, have the authority to issue bonds, or other evidence of indebtedness, of a maturity not to exceed 30 years, to finance the new courthouse or to finance the renovation and expansion of the existing courthouse and to pledge the revenue from any new taxes to retire said bonds. Any new taxes authorized under the authority of this Act shall be levied by the county commission no later than September 30, 1980, and shall expire when any bonds or other evidence of indebtedness are retired. In no event shall the proceeds of any tax levied under the provisions of this Act ever be used for any purposes other than those specified in this Act.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this

Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved February 25, 1980

Time: 2:45 P.M.

Act No. 80-26

H.J.R. 34—Manley

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, THE SENATE THEREOF CONCURRING, That when we adjourn on Thursday, February 21, 1980, we adjourn to meet again on Tuesday, February 26, 1980; when we adjourn on Tuesday, February 26, we adjourn to meet again on Thursday, February 28, 1980; when we adjourn on Thursday, February 28, we adjourn to meet again on Tuesday, March 4, 1980; when we adjourn on Tuesday, March 4, we adjourn to meet again on Thursday, March 6, 1980; when we adjourn on Thursday, March 6, we adjourn to meet again on Tuesday, March 18, 1980; and when we adjourn on Tuesday, March 18, we adjourn to meet again on Thursday, March 20, 1980.

Approved February 28, 1980

Time: 1:30 P.M.

Act No. 80-27

H.J.R. 36—Holmes, Langford

HOUSE JOINT RESOLUTION

COMMENDING THE ALABAMA STATE UNIVERSITY BASKETBALL TEAM.

WHEREAS, ASU's a solid number one in the nation, having overtaken previously ranked number one, Wisconsin-Eau Claire, in their super strong bid for the NAIA National Basketball Championship; and

WHEREAS, the Alabama State University Hornets, District 27 NAIA Champs and an awesome 23-1 so far for the season, unbelievably captured victories in all fifteen of their first fifteen games; and

WHEREAS, it is to be further noted that the Hornet's Head Basketball Coach, James Oliver, during his 5-year career in college coaching, can boast of a phenomenal win-loss record of 115-20 overall; and

WHEREAS, with such outstanding talent at the top, and on the court, the Legislature is confident of another final number one national ranking for Alabama's super college athletes; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most warmly congratulate Alabama State University on the sensational success of its presently #1 nationally-ranked basketball team and sincerely wish them all good luck in the up-coming tournament finals for the Crown.

BE IT FURTHER RESOLVED, That copies of this resolution be presented to Coach Oliver and his talented assistants as well as to all members of the team.

Approved February 28, 1980

Time: 1:30 P.M.

Act No. 80-28

H.J.R. 38—Adams (H), Ford

HOUSE JOINT RESOLUTION

HONORING COUNTY AGENT T. L. SANDERSON UPON HIS RETIREMENT FROM THE ALABAMA COOPERATIVE EXTENSION SERVICE.

WHEREAS, A Madison County native and a graduate of Auburn University with both his B.S. and Master's degrees, Mr. T. L. "Sandy" Sanderson faithfully served the Alabama Cooperative Extension Service for some 38 years, beginning in 1943 as Assistant County Agent in Marshall County; and

WHEREAS, he later became county agent of Etowah County in January, 1949, and was serving at the time of his retirement as county agent-coordinator in Etowah County; and

WHEREAS, during that time, Sandy Sanderson was instrumental in organizing the Northeast Alabama National Dairy Council which he served for two years as President and for ten years as Director; he further served as Secretary of the Etowah county Milk Producers Association for eight years, and was instrumental

in organizing the Sand Mountain Feeder Pig Association which he served as officio member of the Board of Directors from the time of the organization's inception in 1961; and

WHEREAS, Mr. Sanderson has been the recipient of numerous awards and honors during his time of service as county agent-coordinator, including the Distinguished Service Award for Outstanding Service to Agriculture by the County and National Associations of County Agricultural Agents and the Distinguished Service Award from the Alabama Farm Bureau Department of Commodity Services for Outstanding Service to the Alabama Dairy Industry; and

WHEREAS, he further has been presented an award in recognition for service and support of the Alabama Cattlemen Association and Beef Cattle Industry of Alabama, and Meritorious Service awards from the Etowah County Commodity organizations of County 4-H Clubs, Gadsden Chamber of Commerce, County Extension Council and County Extension Homemaker Clubs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. T. L. "Sandy" Sanderson for extraordinary service with the Alabama Cooperative Extension Service; we further wish him well in all future endeavors and direct that he receive a copy of this resolution that he and family members may know of our esteem and deep appreciation for his long years of service to the State of Alabama.

Approved February 28, 1980

Time: 1:30 P.M.

Act No. 80-29

H.J.R. 39—Gafford, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall,

Hammett, Harper (O),
 Harper (T), Harrison, Harvey,
 Hilliard, Hines, Holley, Holmes,
 Horn, Howard, Jackson,
 Johnson (R.G.), Johnson (Roy),
 Kelley, Kennedy, Laird,
 Langford, Letson, Lewis,
 McCorquodale, McKee,
 McMillan, Manley, Minus,
 Mitchell, Moore, Naramore,
 Nevett, Olive, Owens, Parker,
 Patton, Payne, Pegues, Penry,
 Rains, Ray, Reed, Riddick,
 Roberts, Sandusky, Sasser,
 Seibels, Shavers, Shoemaker,
 Smith (C), Smith (J), Smith (M),
 Starkey, Stewart, Stout,
 Trammell, Tucker, Turner,
 Turnham, Venable, Waggoner,
 Ward, Warren, Whatley,
 Williams, Willis, Wyatt, Zoghby

HOUSE JOINT RESOLUTION

WISHING RALPH C. HOLMES A SPEEDY RECOVERY

WHEREAS, Mr. Ralph C. Holmes has covered the political scene for the *BIRMINGHAM NEWS* in a very able and capable manner for several years; and

WHEREAS, Mr. Ralph C. Holmes is epitomized by the high caliber character of those whose duties are to inform the public; and

WHEREAS, Ralph C. Holmes is now in University Medical Center for tests; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we wish Ralph C. Holmes a speedy recovery and that any test taken will be favorable to him and his complete recovery.

BE IT FURTHER RESOLVED that a copy of this Resolution be sent to Ralph C. Holmes and the *BIRMINGHAM NEWS*.

Approved February 28, 1980

Time: 1:30 P.M.

Act No. 80-30

H.J.R. 40—Buskey, Zoghby, Parker,
Kennedy, Turner, McMillan,
Bedsole, Stewart

HOUSE JOINT RESOLUTION

CONGRATULATING AND COMMENDING OUR
FORMER COLLEAGUE, CAIN KENNEDY OF MOBILE,
ALABAMA.

WHEREAS, Cain J. Kennedy of Mobile, Alabama, was twice elected to serve the citizens of House District 98 in the Alabama Legislature; and

WHEREAS, Representative Kennedy, an attorney by profession and a 1974 selection as one of the "Outstanding Young Men of America," served his constituents well and, indeed, the entire State of Alabama, for five years during which time he gained the admiration and respect of his peers for superior service and dedication to the duties and responsibility of his high office; and

WHEREAS, Mr. Kennedy of necessity vacated his House seat to accept appointment to the Bench as Judge of the Thirteenth Judicial Circuit, a high honor befitting his qualifications, knowledgeability and legal acumen; and

WHEREAS, Judge Kennedy, a naval veteran and a graduate of California State University, received his law degree with honors from George Washington University; he is a member of the Alabama, American and National Bar Associations, the American Association of Trial Lawyers, the National Naval Officers Association, NAACP, Masons and Elks; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we both highly commend and congratulate our good friend, Cain J. Kennedy, on his appointment to the Bench and direct that he receive a copy of this resolution as evidence of our high praise and esteem.

Approved February 28, 1980

Time: 1:30 P.M.

Act No. 80-31

H.J.R. 42—Minus

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF PAUL THOMAS FOX.

WHEREAS, Mr. Paul Thomas Fox died November 3, 1979, at the age of 51, after being stricken with lung cancer; and

WHEREAS, Mr. Fox, who had lived in York since 1965 with his wife, Elizabeth Campbell Fox and their four children; and,

WHEREAS, he was Plant Manager of McGregor Printing Corporation in York, and a member of the York City Council; and,

WHEREAS, he was active in Little League Coaching and at one time played minor league baseball in Pennsylvania; and

WHEREAS, he was devoted entirely to his family and his work; and,

WHEREAS, on November 6, 1979 in York, many of his friends, relatives and business associates came from all over the United States to give their last respects, and as one friend stated at the services, "He was his own man."

NOW THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the members do hereby extend their deepest and sincerest sympathy to his widow, his children, and to his many relatives, friends and business associates.

Approved February 28, 1980

Time: 1:30 P.M.

Act No. 80-32

H.J.R. 45—Amari

HOUSE JOINT RESOLUTION

COMMENDING CAPTAIN ROBERT M. MILLER OF BIRMINGHAM UPON HIS RETIREMENT.

WHEREAS, on March 1, 1980, Captain Robert M. Miller will end an outstanding career in law enforcement with the Alabama Department of Public Safety which will span more than thirty years; and

WHEREAS, he began his service as a trooper in Sylacauga, Alabama, followed by duty in Troy, Lanette, Phenix City, Huntsville and Montgomery, transferring finally to Birmingham in 1971; rising through the ranks from trooper to Captain; and

WHEREAS, he also served his country in the service of the U.S. Marines during World War II where he earned the love and respect of his fellow Americans; and

WHEREAS, he also serves as security for Paul "Bear" Bryant, Coach of the University of Alabama through the football season and therefore can legitimately lay claim to contributing to the University's football team's ranking as number one in the nation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Captain Robert M. Miller on his outstanding career in law enforcement and further praise his deep involvement in community affairs and his involvement as a Mason and Shriner as well, we congratulate him on his retirement, wish him well in all future endeavors, and direct that he receive a copy of this resolution as evidence of this body's deep appreciation and esteem.

Approved February 28, 1980

Time: 1:30 P.M.

Act No. 80-33

H.J.R. 46—Gafford, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R.G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick,

Roberts, Sandusky, Sasser,
 Seibels, Shavers, Shoemaker,
 Smith (C), Smith (J), Smith (M),
 Starkey, Stewart, Stout,
 Trammell, Tucker, Turner,
 Turnham, Venable, Waggoner,
 Ward, Warren, Whatley,
 Williams, Willis, Wyatt, Zoghby

HOUSE JOINT RESOLUTION

NOTING THE OCCASION OF MRS. JENNIE ELIZABETH PEMBERTON'S 100TH BIRTHDAY.

WHEREAS, it is with utmost pleasure that the Legislature of Alabama extends warm and heartfelt congratulations to Mrs. Jennie Elizabeth Kitchens Pemberton who recently celebrated her 100th birthday; and

WHEREAS, a native of Alexander City, Alabama, and now a resident of East Tallassee, Mrs. Pemberton was born February 9, 1880, to Mr. and Mrs. Ben Kitchens; her father, who fought with the Confederacy during the Civil War, distinguished himself by returning to duty, despite the loss, in battle, of most of his right foot, and he remained with his unit until the War's end; and

WHEREAS, widow of the late Ross Pemberton, she and her husband were the parents of twelve children, nine of whom are still living including their son and our friend, John Pemberton, Clerk of the Alabama House of Representatives; she also has 28 grandchildren and 29 great grandchildren; and

WHEREAS, Mrs. Pemberton's long life is truly a blessing to her many, many friends, and to her devoted family who have ever turned to her for guidance and have so greatly benefitted from her wise and loving counsel; and

WHEREAS, even having marked the centennial of her birth, Mrs. Pemberton is in good health and remains active with a keen interest in life, her family and friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend all best wishes to Mrs. Jennie Elizabeth Pemberton, a warm and gracious Christian lady whom we wish many more years of health, happiness and joy.

BE IT FURTHER RESOLVED, That Mrs. Jennie Elizabeth Pemberton be presented with a copy of this resolution that she may know of our congratulations, warm praise and esteem.

Approved February 28, 1980

Time: 1:30 P.M.

Act No. 80-34

H.J.R. 29—Warren, McMillan

HOUSE JOINT RESOLUTION

ENCOURAGING THE UNITED STATES CONGRESS, THROUGH APPROPRIATE CHANNELS, TO INCREASE FUNDING IN THE BUDGET OF THE FOREST SERVICE, USDA, THAT SUPPORTS MORE FREQUENT FOREST SURVEYS IN THE STATES.

WHEREAS, due to world economic and political situations affecting the availability of other natural resources, the timber resources of the United States and Alabama are becoming more and more critical to the vital economic needs of Americans. The extent of the need for wood fiber and fuel wood in the past six years could not have been predicted at the time of the last Forest Survey in Alabama. These changes in economic needs may even have made survey methods at that time obsolete; more information is now needed about wood biomass than is available in outdated publications; and

WHEREAS, the USDA Forest Service estimated that timber removals increased 115 million cubic feet from 1971 to 1974, which is an annual average increase of five percent. This rapidly changing situation in timber cut necessitates complete and current information about Alabama's timber resources in order to adequately match timber growth efforts to demands for timber products at prices that are within acceptable inflationary levels; and

WHEREAS, current information on timber inventories, growth rates and removals are necessary for orderly and planned forest industrial development. The pulp and paper industry is the fastest growing industry in Alabama, with an average compound rate of growth of 12.1 percent (the second fastest growing industry is fabricated metals with a 9.9 percent growth rate). The wood products industries (pulp and paper and lumber and wood products) accounted for 23 percent of all capital expenditures for manufacturing industries in Alabama in 1976 (the latest year for which complete information is available). It is imperative to have current information on timber resources in order to adequately guide industrial expansion as well as timber growth programs,

both public and private; and

WHEREAS, timber is only one resource among many others associated with forest land. Other uses of forest land are expanding rapidly, along with timber, which results in additional pressures being placed on the forests of Alabama. Current and complete information is needed for these other resources which include wildlife habitat, watershed values, forage for domestic livestock and esthetic values. The Forest Survey can collect much needed information on these other vital resources, which also have an impact on the timber resource; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the time interval between Forest Surveys of 10 years needs to be reduced to intervals of not more than five years to improve the usefulness of all data. This effort can be made possible in Alabama under Forest Service leadership by the support of the forest industries and the Alabama Forestry Commission.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to both houses of the United States Congress that they may be aware of this body's support of more frequent forest surveys in the states for the purpose of keeping more current with all available data provided by such surveys.

Approved February 28, 1980

Time: 1:30 P.M.

Act No. 80-35

H.J.R. 49—Moore

HOUSE JOINT RESOLUTION

CONGRATULATING MR. AND MRS. RUFUS E. BRASHER ON THEIR DIAMOND WEDDING ANNIVERSARY.

WHEREAS, the Legislature of Alabama has noted, with pleasure, the Diamond Wedding Anniversary on February 26, 1980, of Mr. and Mrs. Rufus E. Brasher of Leeds, Alabama; and

WHEREAS, Rufus and Ethel Mae Brasher were legally joined in holy matrimony on February 26, 1905, and have remained in said holy state for 75 years; and

WHEREAS, they have lived their lives as one, devoted to one another, remaining steadfastly faithful to their marriage vows and setting an enviable example for others to follow; and

WHEREAS, Mr. and Mrs. Brasher, both of whom are descendants of original settlers of Leeds, are the parents of nine living children and have numerous fine grandchildren as well as great grandchildren; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with their family and friends in congratulating this exemplary couple of Leeds, Alabama, and wish them many more happy years together.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. and Mrs. Brasher that they may know of our congratulations and warm best wishes for many more years of shared joy and happiness.

Approved February 28, 1980

Time: 1:30 P.M.

Act No. 80-36

H. 123—Minus

AN ACT

Relating to Sumter County; to amend sections 5 and 6 of Act No. 261, H. 571, Regular Session 1947 (Local Acts 1947, page 187) which relate to meeting dates and per diem pay of the members of the county commission, so as to further provide for such meeting dates and per diem pay.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5 of Act No. 261, H. 571, Regular Session 1947 (Local Acts 1947, page 187) is hereby further amended to read as follows:

“Section 5. MEETINGS. Regular meetings of the Board of Commissioners shall be held on the second Monday in each month, or on the following Tuesday if the second Monday falls on a holiday, and may be continued from day to day or adjourned to some future day. Special meetings may be called at anytime by the Chairman or any two members, and likewise continued from day to day or adjourned to some future day. All members must be notified of any special meeting prior to the holding of the same. Minutes and records of all official acts of the Board shall be kept and shall be open for public inspection at any reasonable time. A majority of the Board is necessary in order to constitute a quorum for holding a meeting and a majority vote of those present is necessary for taking any official action on any matter. In the absence or during any

disability of the Chairman of the Board, the remaining members of the Board may appoint one of their number to preside over any meeting and act as and for the Chairman so long as he may be absent or disabled, and anyone so appointed as a temporary Chairman, shall have all the powers, duties and authority of the regular Chairman, and his acts shall be in all respects as legal as though he were the regularly elected Chairman of the Board. In no case shall the members of the Board in any one calendar year be allowed to draw the per diem pay of \$25.00 for over 36 meetings and for any meeting over that number in any one calendar year they shall serve without pay of the per diem amount."

Section 2. Section 6 of Act No. 261, H. 571, Regular Session 1947 (Local Acts 1947, page 187) is hereby amended to read as follows:

"Section 6. COMPENSATION. Members of the Board of Commissioners shall receive no compensation for their services. Provided however they shall be paid \$25.00 per diem for attendance at a meeting of the board. When any member of the board is authorized by the board to travel outside of Sumter County on county business, his expenses shall be paid in accordance with the same rules as are applied by the State of Alabama to official travel by its employees."

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 28, 1980

Time: 1:30 P.M.

Act No. 80-37

H. 124—Minus

AN ACT

To regulate further the fees for recording documents affecting the title to real property in Sumter County; and to provide for the disposition of said fees.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other costs and fees now authorized by law, the probate judge of Sumter County shall charge and collect one dollar for recording a property instrument, or any instrument or document affecting the title to property in such county.

Section 2. The fees collected pursuant to the Act shall be deposited into the general fund of Sumter County. After the end of the present turn of office of the probate judge, the probate judge shall be paid 10% of the fees collected pursuant to this act, there after for the collection of the same.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 28, 1980

Time: 1:30 P.M.

Act No. 80-38

H. 126—Minus

AN ACT

Relating to Sumter County; authorizing at the sole discretion of the county commission of said county to provide data processing, computerized services or other electronic systems, including microfilm equipment, for the offices of the probate judge, tax assessor, tax collector, and sheriff of said county; to provide for the manner of procuring such services and equipment and for the payment therefor from the county general fund; to provide that all contracts made pursuant to the provisions of this act shall be exempt from any applicable statewide or local competitive bid law and to authorize at the sole discretion of the county commission to pay the salaries of the clerical and secretarial employees that may be hired from time to time to staff the offices of such officials, and at the sole discretion of the county commission to discontinue payment of such salaries.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission of Sumter County is hereby at its sole discretion authorized to enter into contract for the purchase, lease or contractual services for providing data processing, computerized services or other modern or updated electronic based systems for bookkeeping, recording, indexing and filing of all documents, instruments and writings that are of record

in the office of the probate judge, tax assessor, tax collector, and sheriff of said county. Said commission may provide for the microfilming of all records, documents, files, papers or other writings which are required by law to be recorded in the office of the probate judge, tax assessor, tax collector, and sheriff and for such projective and reading equipment as may be necessary. Such microfilms or prints therefrom when duly authenticated by the said probate judge, tax assessor, tax collector, and sheriff, as the case may be, shall have the same force and effect at law as the original record or of copies thereof when made by any other legally authorized means, and may be offered in like manner, and shall be received in evidence in any court where such original record or copy thereof made by other legally authorized means, could have been received in court. The county commission is also at its sole discretion authorized to discontinue such procedure.

Section 2. The county commission shall provide for the services, equipment and supplies necessary to implement the provisions of Section 1 of this act by either lease or outright purchase or by contractual services, whichever in the discretion of the county commission is deemed to be in the best interest of the county. The respective officeholder of the department which is to receive the new services and equipment shall make recommendation to the county commission as to the type of services and equipment to be installed and utilized, but the final decision on such purchases shall rest with the county commission. Because of the specialized nature of such services, all contracts therefor may be made without regard to any applicable statewide or local competitive bid law.

Section 3. The county commission is hereby at its sole discretion authorized to pay the salaries of the clerical and secretarial employees that may be hired from time to time to staff the offices of the probate judge, tax assessor, tax collector, and sheriff of the county, and at its sole discretion to discontinue to pay such salaries.

Section 4. All funds necessary and incidental for the implementation of this act shall be paid out of the general fund of Sumter County.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 28, 1980

Time: 1:30 P.M.

Act No. 80-39

H. 127—Minus

AN ACT

Relating to Sumter County; to amend Section 2 of Act No. 176, H. 656, Regular Session 1973 (Acts 1973, p. 217), which relates to expense allowances of the members of the county commission, so as to further provide for such expense allowances.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 176, H. 656, Regular Session 1973 (Acts 1973, p. 217), is hereby amended to read as follows:

“Section 2. The members of the county of Sumter County shall each be entitled to receive from the county treasury the sum of \$400.00 per month for expenses incurred in the performance of official duties, within Sumter County, which allowances shall be in addition to all other compensation and allowances now provided by law. The chairman or president of the Sumter County Commission shall be entitled to receive from the county treasury the sum of \$600.00 per month for expenses incurred in the performance of his official duties within Sumter County, which allowances shall be in addition to all other compensation and allowances now provided by law. Such allowances shall be paid at the end of each month in warrants approved by the county commission of Sumter County on any funds in the county treasury not otherwise appropriated.”

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall take effect on the first day of the month next following the date of its enactment.

Approved February 28, 1980

Time: 1:30 P.M.

Act No. 80-40

H. 128—Minus

AN ACT

Relating to Sumter County; to provide further for costs and charges in criminal and civil proceedings in any district, circuit, or small claims court in the county.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other costs and charges in criminal and civil cases in any district or circuit court in Sumter County, a fee of \$5.00 per case shall be charged and collected by the clerk of any such courts, and in addition to all other costs and charges in any case in any small claims court in Sumter County, a fee of \$2.00 per case shall be charged and collected by the clerk of the small claims court. The monies derived from the charges hereinabove prescribed shall be deposited into the general fund of the county.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective upon the adoption of an amendment to the constitution authorizing the provisions of this act.

Approved February 28, 1980

Time: 1:30 P.M.

Act No. 80-41

H. 129—Minus

AN ACT

To regulate further the fees for recording a marriage license issued in Sumter County; and to provide for the disposition of said fees.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other costs and fees now authorized by law, the probate judge of Sumter County shall charge and collect five dollars for recording each marriage license issued in such county.

Section 2. The fees collected pursuant to this Act shall be deposited into the general fund of Sumter County; however, the disposition of all other costs and fees now authorized by law shall

not be affected by this Act. After the end of the present turn of office of the probate judge, the probate judge shall be paid 10% of the fees collected pursuant to this act, there after for the collection of the same.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 28, 1980

Time: 1:30 P.M.

Act No. 80-42

H.J.R. 51—Manley

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That the Joint Interim Committee to Study Salaries and Related Matters, created under H.J.R. 61, Act 79-76, 1979 Regular Session of the Legislature, be given an extension of time to report their findings and recommendations to the 1980 Regular Session of the Legislature.

Said committee shall make their final report to both houses not later than the 30th Legislative day, and after having made said report the Joint Interim Committee to Study Salaries shall terminate.

Approved March 4, 1980

Time: 4:00 P.M.

Act No. 80-43

H.J.R. 52—Gafford, Venable, Adams (C),
Adams (H), Albright, Amari,
Barton, Bedsole, Bennett,
Biddle, Blake, Boles, Bowling,
Brakefield, Buskey, Cabaniss,
Campbell, Carothers, Carter.

Cates, Cheatwood, Clark, Cobb,
 Coburn, Cooley, Cosby, Crow,
 Daniels, Dial, Dixon, Drinkard,
 Edwards, Ford, Gilmer,
 Goodwin, Greer, Gregg,
 Grimsley, Grouby, Hall,
 Hammett, Harper (O),
 Harper (T), Harrison, Harvey,
 Hilliard, Hines, Holley, Holmes,
 Horn, Howard, Jackson,
 Johnson (R.G.), Johnson (Roy),
 Kelley, Kennedy, Laird,
 Langford, Letson, Lewis,
 McCorquodale, McKee,
 McMillan, Manley, Minus,
 Mitchell, Moore, Naramore,
 Nevett, Olive, Owens, Parker,
 Patton, Payne, Pegues, Penry,
 Rains, Ray, Reed, Riddick,
 Roberts, Sandusky, Sasser,
 Seibels, Shavers, Shoemaker,
 Smith (C), Smith (J), Smith (M),
 Starkey, Stewart, Stout,
 Trammell, Tucker, Turner,
 Turnham, Waggoner, Ward,
 Warren, Whatley, Williams,
 Willis, Wyatt, Zoghby

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF FORMER REPRESENTATIVE H. H. O'DANIEL.

WHEREAS, the Legislature of Alabama has grievously noted the death of a beloved former colleague, H. H. O'Daniel of Kent, Alabama, on February 12, 1980, at the age of 69; and

WHEREAS, H. H. O'Daniel, affectionately known to all as "Runt," was a prominent Elmore County businessman who began his career with a grocery store in Kent in 1932, later to enter farming and the truck line business; in 1940, he opened a car dealership and, since 1972, he had been engaged in the real estate business with offices in both Tallassee and Montgomery; and

WHEREAS, Runt O'Daniel served with many of the present members of the Legislature from 1970 to 1974, representing Elmore County House District 30 with dedicated diligence and extraordinary ability; he served prestigiously as a member of the

Rules, State Administration and Insurance Committees; and

WHEREAS, a member of the Bethlehem East Baptist Church, Mr. O'Daniel also was a Mason and Shriner, a member of the Tallassee Chamber of Commerce and the Alabama Cattlemen's Association, which memberships evidenced his deep involvement in the civic, religious and charitable affairs of his community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we deeply mourn the death of H. H. "Runt" O'Daniel of Kent, Alabama, and extend our most heartfelt sympathy to all members of his family who are so sorely grieved by their loss.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to his wife, Mrs. Vera O'Daniel, and to their daughter, Jane O'Daniel Lawrence, as evidence of shared grief and of our concern for them during this time of such great sorrow.

Approved March 4, 1980

Time: 4:00 P.M.

Act No. 80-44

H.J.R. 53—Pegues

HOUSE JOINT RESOLUTION

MEMORIALIZING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO APPLY REVENUES DERIVED FROM THE WINDFALL PROFITS TAX TO THE REPAIR AND REVITALIZATION OF THE NATIONAL DEFENSE HIGHWAY SYSTEM.

WHEREAS, the Congress of the United States currently is considering the enactment of a tax on windfall profits of American oil companies; and

WHEREAS, understandably there has been considerable discussion and disagreement regarding the ultimate disposition of the proceeds which would be realized from such a tax; and

WHEREAS, since 1967 costs for construction, operation and maintenance of highways have increased by nearly one hundred eighty-seven percent; and

WHEREAS, the unprecedented inflation in highway construction and maintenance costs, continuing demand for highway travel and uncertain growth in fuel consumption have prevented the traditional road-user taxes from meeting the street, road and highway needs of this country; and

WHEREAS, the projected shortfall in the available funding for highway purposes is caused by our inflationary economy, by conservation and ecological concerns, by the dramatic price rise in foreign petroleum and by the increased costs of labor and materials which cannot be controlled by state transportation authorities; and

WHEREAS, this revenue problem has created a national problem of the utmost seriousness and urgency; and

WHEREAS, the inability to adequately maintain our highway systems imposes increasing costs on the transportation of people and products, adds to the inflationary spiral and poses an increasing safety hazard to our citizens as the highways continue to deteriorate; and

WHEREAS, the continued maintenance of an adequate highway system is crucial to our economy, well-being and national security; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most earnestly beseech the President and the Congress of the United States to apply the revenues derived from any windfall profits tax on oil companies toward the repair and revitalization of the National Defense Highway System.

BE IT FURTHER RESOLVED, That the Clerk of the Alabama House of Representatives transmit copies of this memorial to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives of the United States and to each member of the Alabama Congressional Delegation in Washington, D. C., for their prompt consideration and endorsement and as a means of communication to our national leaders the broad support which this proposal enjoys.

Approved March 4, 1980

Time: 4:00 P.M.

COMMENDING A&M UNIVERSITY QUARTERBACK
CLEVELAND AUSTIN FOR OUTSTANDING PERFOR-
MANCE.

WHEREAS, Cleveland Austin, switching from tight end to quarterback in 1978, has been a two-year starter for the A&M Bulldogs, calling the signals for the best two-season record compiled by A&M in the last sixteen years; and

WHEREAS, as a junior, Cleveland Austin threw for 857 yards on 55 completions with three touchdowns, while running the ball for an additional 116 yards; this past year, as a senior, he threw for 1,247 yards on 87 completions with five TD's and 120 yards running for a 15-7 record over the last two seasons; and

WHEREAS, in 1979, quarterback Austin led the Bulldogs to their first-ever appearance in an NCAA Football Championship Play-off by virtue of conference championship with a perfect 4-0 league mark; they then won impressively over the defending 1-AA Champions, Florida A&M, defeated Morgan State in the first round play-offs and, though suffering defeat in the semi-finals, A&M's quarterback leadership was much in evidence in the Bulldog's all-out effort and perseverance; and

WHEREAS, Cleveland Austin has been distinctly honored on several occasions following the '79 season including selection to the first team of the SIAC, to the *Atlanta Journal* All-SIAC team for '79 and to Atlanta's 100% Wrong Club's SIAC team of the year; he also was selected to play in the Black College All-Star Game, was several times named WEUP's Player of the Week and has since been named to share the WEUP Football "Player of the Year" award; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Cleveland Austin of A&M University for outstanding performance as the two-year starting quarterback for the Bulldogs.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to quarterback Austin in token of this body's congratulatory praise.

Approved March 4, 1980

Time: 4:00 P.M.

Act No. 80-46

H.J.R. 59—Carter

HOUSE JOINT RESOLUTION

COMMENDING MRS. MADELINE McDANIEL KENNEDY.

WHEREAS, Mrs. Madeline McDaniel Kennedy has been a life long friend of Athens College, having attended the institution as a young girl; and

WHEREAS, the McDaniel name is held in high esteem in the Athens community where her father served the college and the citizenry as a dentist; and

WHEREAS, Mrs. Kennedy and her husband, the late Dr. Berthold S. Kennedy, have been benefactors of Athens College through the years; and

WHEREAS, Madeline McDaniel Kennedy has recently contributed a gift to retire the more than \$55,000 indebtedness on the Sandridge Student Center at Athens State College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature expresses its appreciation to and bestows its commendation upon Mrs. Madeline McDaniel Kennedy for her concern for and generosity toward Athens State College.

BE IT FURTHER RESOLVED, That the legislature recommends to Athens State College that suitable recognition be given to the McDaniel-Kennedy family.

RESOLVED FURTHER, That a copy of this resolution be sent to Mrs. Kennedy in token of our deep appreciation and of our warm praise of her benevolence.

Approved March 4, 1980

Time: 4:00 P.M.

Act No. 80-47

H.J.R. 62—Clark, Adams (C), Adams (H),
Albright, Amari, Barton,
Bedsole, Bennett, Biddle, Blake,
Boles, Bowling, Brakefield,
Buskey, Cabaniss, Campbell,
Carothers, Carter, Cates,
Cheatwood, Cobb, Coburn,

Cooley, Cosby, Crow, Daniels,
 Dial, Dixon, Drinkard,
 Edwards, Ford, Gafford,
 Gilmer, Goodwin, Greer, Gregg,
 Grimsley, Grouby, Hall,
 Hammett, Harper (O),
 Harper (T), Harrison, Harvey,
 Hilliard, Hines, Holley, Holmes,
 Horn, Howard, Jackson,
 Johnson (R.G.), Johnson (Roy),
 Kelley, Kennedy, Laird,
 Langford, Letson, Lewis,
 McCorquodale, McKee,
 McMillan, Manley, Minus,
 Mitchell, Moore, Naramore,
 Nevett, Olive, Owens, Parker,
 Patton, Payne, Pegues, Penry,
 Rains, Ray, Reed, Riddick,
 Roberts, Sandusky, Sasser,
 Seibels, Shavers, Shoemaker,
 Smith (C), Smith (J), Smith (M),
 Starkey, Stewart, Stout,
 Trammell, Tucker, Turner,
 Turnham, Venable, Waggoner,
 Ward, Warren, Whatley,
 Williams, Willis, Wyatt, Zoghby

HOUSE JOINT RESOLUTION

EXPRESSING INORDINATE PRIDE IN THE UNITED STATES HOCKEY TEAM, OLYMPIC GOLD MEDALISTS, 1980.

WHEREAS, the Legislature of Alabama joins with all America in wholeheartedly and proudly congratulating the United States Hockey Team for its remarkable feat in capturing the Olympic Gold during the 1980 Winter Olympics at Lake Placid; and

WHEREAS, this young American team, which had only played as a team since last September, came from behind time and again, first to tie, then to defeat much older and more professional teams, winning the gold medal for the United States for only the second time in the history of the Olympics and for the first time in two decades; and

WHEREAS, going into the games, perhaps no one, including players and coach, dared hope to finish even as high as third, but

these twenty young men, once on the ice, played as if inspired to win not only the gold, but a lasting place in the hearts of their countrymen; and

WHEREAS, though each win was to be a feat more brilliant than the last, America's emotions reached fever pitch on the night of February 22, coincidentally the birth date of the Father of Our Country; in combat with the seasoned Soviets, the Americans battled as fierce proud patriots to a triumphant victory over a stunned and humbled Russian team; and

WHEREAS, the jubilant reaction to that Soviet defeat was totally unrestrained, a boundless joy to be only matched, and even then in a different way, by the American rout of Finland, 4-2, to finally claim the coveted gold medal; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That, of one heart, we express our deep pride and joy in each and every member of the United States Hockey Team; we stand in tribute to their courage, in gratitude for their skill and perseverance, and in humble appreciation of extraordinary accomplishment.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Coach Herb Brooks and to each member of the team that they may be aware of our deep and sincere praise tendered in behalf of the entire State of Alabama.

Approved March 4, 1980

Time: 4:00 P.M.

Act No. 80-48

H.J.R. 64—Cosby

HOUSE JOINT RESOLUTION

URGING THE UNITED STATES CONGRESS TO REVISE TAX LAWS SO AS TO RELIEVE CITIZENS OF THE OVERBURDEN OF "TAXFLATION."

WHEREAS, the federal government continues to spend more of the taxpayers' money than is received; and

WHEREAS, the citizens of the United States are facing an economic recession because of the actions of the United States Congress; and

WHEREAS, the citizens of the United States are willing to be free and independent of government programs, especially those

which benefit the minority of United States citizens at the expense of the majority; and

WHEREAS, millions of American families are being pushed into higher tax brackets by pay raises which do not keep up with the cost of living; and

WHEREAS, the above process is called "taxflation" and taxflation hits all income levels and provides the United States Treasury with more than \$1 billion in new revenues for each percentage point of inflation; and

WHEREAS, this process of taxflation is a windfall profit to the United States Treasury which causes the government to spend more money while at the same time penalizing people for hard work; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby call on the Congress of the United States to immediately rectify this most unfair situation and thereby relieve the citizenry of the overburden of taxflation.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Alabama Congressional Delegation in Washington, D.C., with a copy also provided for each member of said Delegation.

Approved March 4, 1980

Time: 4:00 P.M.

Act No. 80-49

H.J.R. 66—Smith (C), Turnham, Laird

HOUSE JOINT RESOLUTION

REQUESTING THE BOARDS OF EDUCATION AND ALL HIGH SCHOOLS IN ALABAMA TO COOPERATE WITH THE ALABAMA NATIONAL GUARD AND THE U. S. ARMED FORCES IN THEIR EFFORTS TO STRENGTHEN OUR MILITARY FORCES.

WHEREAS, it is the consensus of the Alabama Legislature that a nation prepared is a nation strong; and

WHEREAS, the freedom we treasure today in these United States was secured by our forefathers who fought and died that there might be liberty for all and for all time; and

WHEREAS, if we are to remain a free nation it is vital that our

armed forces be strengthened to such a degree that we may at all times be prepared to defend the freedom that is our legacy; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in support of the national defense of the United States of America and in furtherance of the best interest of the citizens of the State of Alabama, we hereby request that the Boards of Education, and the high schools in particular, of this great state cooperate and assist to the fullest possible extent with the Alabama National Guard and the various branches of the United States Armed Forces, including its reserve components, in making efforts to strengthen our military forces and, at the same time, provide the youth of Alabama with the opportunity of acquiring the education, training, skills and vocations available to military personnel.

BE IT FURTHER RESOLVED, That in furtherance of these objectives, that the Boards of Education and the high schools of this state shall:

1. Allow recruiter personnel to test those students who so desire to be tested and provide data back to the students and counselors so that wiser vocational choices may be made;

2. Provide recruiter personnel with lists of recent graduates and senior students so they may be located and made aware of opportunities in the military services; and

3. Provide time for interviews and conferences for those students who desire further information from recruiting personnel, so that individual counseling is possible and indepth views of available opportunities with the Department of Defense of our great nation are known.

RESOLVED FURTHER, That copies of this resolution be sent to all Boards of Education in Alabama with sufficient copies also provided said boards for distribution to all Alabama high schools.

Approved March 4, 1980

Time: 4:00 P.M.

Act No. 80-50

S. 132—Weeks

AN ACT

To provide for and create the Macon County Racing Commission for the regulating, licensing and supervision of greyhound racing and wagering thereon; to

prescribe the composition, appointment, powers, and duties of the Racing Commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the Act; to grant the county governing body certain authority and to impose certain responsibilities relative to the operation and control of greyhound racing; to provide certain penalties for the violation of this Act and for other purposes relative thereto; to provide for a referendum of the voters of the county on the question of whether the Act will become effective in the county; to place restriction on ownership and provide for coverage under the Ethics Law.

Be It Enacted by the Legislature of Alabama:

Section 1. The Macon County Racing Commission is hereby created and established and is vested with the powers and duties specified in this Act, and all other powers necessary and proper to enable it to execute fully and effectually the purposes of this Act. The official name of said Commission shall be the Macon County Racing Commission or the Racing Commission. The Racing Commission shall be composed of bona fide residents of Macon County, Alabama and shall have resided in Macon County, Alabama for no less than five (5) years prior to his, or her appointment. Said Racing Commission shall consist of three members appointed as follows: The current member of the House of Representatives serving Macon County shall appoint one member for a term of six (6) years; the current Senator representing Macon County shall appoint one member for a term of four (4) years and these two legislative members shall jointly appoint one member for a term of two (2) years. After the expiration of the time of the initial appointments each appointment thereafter shall be for a period of six (6) years and such appointments shall be made in the same manner as the original appointments. Initial appointments of the Macon County Racing Commission shall be made within fifteen (15) days after this Act is approved by the voters of Macon County. Upon the occurrence of any vacancy in office, the new Racing Commissioner shall be appointed in the same manner as the original appointment. Commissioners shall be eligible for reappointment.

All books, audits, reports, records, maps, documents and papers shall constitute public records, and be available for copying, examination and inspection during all normal business hours by any agency, official or person. No person shall be appointed to the Racing Commission who has been convicted of a felony or a crime involving moral turpitude.

Section 2. Each Racing Commissioner shall take the same constitutional oath of office as any other county officer, and shall give a performance bond payable to the county in the amount of

Twenty-five Thousand Dollars (\$25,000.00). The premium on such bond shall be paid by the Racing Commission. The Racing Commission may employ such assistants and employees as may be necessary who shall be paid out of funds deposited in the county treasury to the credit of the Racing Commission.

A member of the Racing Commission shall not be an official member of any Board of Directors, or have any financial interest in any race track or race meeting licensed by the Racing Commission, nor shall he own or race greyhound dogs in any race meeting licensed by the Racing Commission.

Section 3. The compensation of each member of the Racing Commission shall One Thousand Dollars (\$1,000.00) per month. One member of said Racing Commission shall be required to be in attendance at each racing event, although up to three (3) Racing Commissioners may be present. Each Racing Commissioner who attends a racing event while engaged in the performance of his duties or in traveling outside the county on the business of the Racing Commission shall receive an additional Fifty Dollars (\$50.00) per diem when traveling within the State of Alabama. When traveling outside the State of Alabama on official business, each member so traveling shall receive Seventy-five Dollars (\$75.00) per day plus transportation expenses. The above sums shall be paid out of the funds in the county treasury deposited to the credit of the Macon County Racing Commission and shall be paid to the Racing Commissioners in the same manner as the compensation of other county officers is paid.

Section 4. The Racing Commissioners shall appoint an individual who shall have the same qualifications as that of the Racing Commissioners, who shall serve as treasurer of the Racing Commission. The duties of the treasurer shall be to collect all the license fees, taxes, and monies provided in this Act, and shall supervise, check and audit the operation of the pari-mutuel wagering pools and the conduct and distribution thereof. Said treasurer shall be paid the sum of One Thousand Dollars (\$1,000.00) per month for his services. Also said treasurer shall give bonds under the same conditions as required of the Racing Commissioners.

Section 5. The Racing Commission shall have the authority to employ legal counsel of its selection to advise the Racing Commission and represent it in all proceedings. The compensation of such counsel shall be paid out of funds deposited in the county treasury to the credit of the Racing Commission.

Section 6. It shall be the duty of the Racing Commission to

carry out the provisions of this Act; and it shall have the following specific duties:

(1) To fix and set dates upon which race meetings may be held or operated.

(2) To make an annual report derived in part from a comprehensive annual audit by a Certified Public Accountant from outside Macon County to be designated by the Racing Commission to the Macon County Commission of its operation, showing its own actions and rulings, and receipts derived under the provisions of this Act, and such suggestions as it may deem proper for the more effective accomplishment of the purposes of this Act. The audit shall specifically include the amount of net profit prior to the computation of federal income taxes, as defined in this Act; to all individual investors, promoters, partnerships, stockholders, or corporations who have had any financial interest whatsoever during the period covered by the audit. The results of said audit shall be a public record and be kept on file in the office of probate judge of Macon County.

(a) All costs and commissions incurred during the compilation of information and the publication of the annual report, required by this section, shall be paid from the general fund of Macon County.

(3) To require each applicant, if an individual or group of individuals, to be a resident of the State of Alabama for at least five (5) years immediately preceding the date of the license issued, to set forth on their application for a license to operate a race meeting the following information:

(a) The full name of the individual or groups of individuals and their name, business and home address.

(b) If a corporation, each incorporator, director and officer, must be at the time of the license issued a resident of the State of Alabama and shall have been for five (5) years prior to the application. The application must show the name and address of each of the incorporators, the directors and the officers thereof.

(c) The exact location where it is desired to conduct or hold a racing meet and a complete set of architectural renderings and detail construction plans showing the site, topography, the type of construction, the track design, and the concession plans, together with sufficient proof of capitalization to construct and operate said facility.

(d) Whether the racing plant is owned or leased, and if leased, the name and address of the owner, or if the owner is a corporation, the names of the officers and directors thereof, each of whom shall have been a resident of the State of Alabama for at least five (5) years immediately preceding the date on which the license is issued; provided, however, that nothing in this Act shall prevent any person, association or corporation from applying to the Racing Commission for a permit to conduct races where a racing plant has not been constructed. Whether the food service operation, including restaurant, snacks, beverage, bar and concession stand sales, is owned or leased or otherwise operated by a third party, and if leased or operated by a third party, the name and address of the lessee or operator, or if the lessee or operator is a corporation, the names of the officers and directors thereof, each of whom shall have been a resident of the State of Alabama for at least five (5) years immediately preceding the date on which license is issued.

(e) The kind of racing to be conducted and the dates requested.

(f) Such other information as the Racing Commission may require.

(4) To require an oath of every applicant, or by the president or executive officer of the association or corporation, stating that the information contained in the application is true.

(5) To promulgate uniform rules and regulations governing the holding, conducting, and operating of all race meetings and races held in the county.

(6) All books, records, maps, documents, and papers of the Racing Commission, including those filed with the Racing Commission as well as those prepared by or for it, shall at all times be open for the personal inspection of the Tax Collector, Tax Assessor, Probate Judge, Custodian of Macon County Funds and the officials of the Revenue Department of the State of Alabama, and no person having charge or custody thereof shall refuse this right to any officer of investigative body or committee, and it shall be the express duty of such person to assist such officer or committee in locating records or information desired by them. Any member or employee of the Racing Commission who violates the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than Five Hundred Dollars (\$500.00). If any member of the Racing Commission violates the provisions of this section, he shall be subject to removal from office.

Section 7. Any person, association, or corporation desiring to operate a race track in the county shall have the right, subject to the provisions of this Act, to hold and conduct one or more racing meetings at such track each year providing that no such license shall be granted to any person, association or corporation or to any track for a period longer than three hundred racing days in any one year. More than one racing event per day is permitted.

There shall be only one greyhound dog racing facility in Macon County, Alabama, and only one license shall be issued to operate the facility.

Section 8. No person under nineteen years of age shall be employed in any manner about said race track except as exercise people, grooms and parking lot attendants; nor shall persons under nineteen years of age be permitted to attend any race.

(1) Seventy-five (75%) percent of the employees of the said track must be bonafide resident citizens of Alabama. A good faith effort will be made to employ Macon County citizens first.

Section 9. Any person, association, or corporation possessing the qualifications prescribed in this Act shall have the right to apply to the Racing Commission for a permit or license to conduct race meetings and racing under this Act. The original (first) license shall be issued at the discretion of the Racing Commission and shall be for the length of time required for the amortization of the capital investment. Any person, association, or corporation possessing the qualifications prescribed in this Act shall have the right to apply to the Racing Commission for a permit or license to conduct race meetings and racing under this Act after the original license has been issued. On or before the first day of January following the termination of the original license and each third year thereafter, upon receipt of any such applications, the Racing Commission shall convene to consider and to act upon all permits and licenses applied for during that time. Approved permits or licenses after the original license shall be granted for a period of three years from the first day of February, except the first license granted hereunder shall be from the date of its issuance and shall set forth, in addition to any other information prescribed by the Racing Commission, the name of the licensee, the location of the race track, the duration of the race meeting and the kind of racing desired to be conducted and shall show the receipt by the Racing Commission of the license fee set by the Racing Commission, the setting of which is hereby authorized, provided, however, said license fee shall not exceed One Thousand Dollars (\$1,000.00). No such license shall be transferable, nor shall it apply to any other place, track or enclosure except the

one specified in this license. Renewal of license herein shall not be denied except for good cause. Any person aggrieved shall be entitled to a hearing before the Racing Commission. The decision of the Racing Commission shall be final.

Section 10. The Racing Commission is empowered to compel the production of any and all books, memoranda, or documents showing the receipts and disbursements of any person, association or corporation licensed to conduct race meetings under the provisions of this Act. The Racing Commission may at any time require the removal of any employee or official employed by any licensee hereunder whenever it has reason to believe that such or employee or official is guilty of any improper practice in connection with racing, has failed to comply with any condition of the license, or has violated any rule adopted by the Racing Commission. The Racing Commission shall have the power to require that the books and financial or other statements of any licensee to be kept in a manner and method provided by the Racing Commission, and the Racing Commission, shall be authorized to visit, investigate, and place auditors and inspectors in the offices, tracks, or place of business of any person, association or corporation licensed under this Act. The Racing Commission shall have power to summon witnesses before its meetings; to administer oaths to such witnesses, and to require testimony on any issue before it. Any person failing to appear before said Racing Commission, or failing to produce books, records, and documents ordered, or refusing to testify thereon, shall be deemed guilty of a misdemeanor, and upon conviction in a court of competent jurisdiction, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment not to exceed six months, or by both fine and imprisonment in the discretion of the court.

Section 11. After the granting of a license to operate a greyhound race track, the Racing Commission shall have the power to grant, refuse, suspend, or withdraw annual licenses for all persons connected with the greyhound dog race track, including gate keepers, announcers, ushers, starters, officials, drivers, dog owners, agents, trainers, grooms, stable foremen, exercise people, veterinarians, valets, sellers of racing forms or bulletins, and attendants in connection with the wagering machines, pursuant to such rules and regulations as the Racing Commission may adopt and upon the payment of a license fee as shall be fixed and determined by the Racing Commission in accordance with the position and compensation of such person. Any such license may be revoked by the Racing Commission, at its discretion, and any person whose license is revoked shall be ineligible to participate in such occupation connected with racing unless the license is

returned by the Racing Commission with permission to operate thereunder. The Racing Commission may deny or revoke any such license to any person who has been refused or denied a license by any other state racing commission or racing authority. Any person aggrieved shall be entitled to a hearing before the Racing Commission.

Hearings: Any aggrieved licensee whose license has been suspended or revoked or any person denied a license shall have the right within 30 days of such action to request a hearing before the Racing Commission. Requests for hearings must be made in writing and mailed to the office of the Racing Commission. Upon receipt of a request for a hearing the Racing Commission has thirty days to set a date for such hearing and must notify the aggrieved party in writing at least ten (10) days prior to said hearing as to the time and place of hearing. Aggrieved parties have the right to be represented by counsel at such hearings. Two members of the Racing Commission shall constitute a quorum at any hearing and decisions of the Racing Commission must receive the approval of at least two commission members. Aggrieved parties shall be notified as soon as possible as to the outcome of their appeals but in no case shall a decision take more than thirty (30) days to render after the completion of the hearing. Any member of the Racing Commission shall have the right to stay the suspension or revocation of a licensee pending the outcome of a hearing when such stay is requested of a Commissioner in writing.

All Commission hearings shall be recorded and all testimony shall be offered under oath. The decision of the Racing Commission shall be final.

Section 12. The Racing Commission shall make rules governing, permitting, and regulating the wagering on greyhound dog races under the form of mutuel wagering by patrons known as "Pari-Mutuel Wagering," which method shall be legal to the extent that and so long as the same is carried on and conducted strictly in conformity with this Act, and not otherwise. Only the persons, associations or corporations receiving a license from the Racing Commission shall have the right or privilege to conduct this type of wagering and the licenses shall restrict and confine this form of wagering to a space within the race meeting grounds. All other forms of wagering on the result of the dog races shall continue to be illegal, and any or all wagering outside of the enclosure of such races, where such races shall have been licensed by the Racing Commission, shall be illegal.

No person or corporation shall directly or indirectly purchase pari-mutuel tickets or participate in the purchase of any part of a pari-mutuel pool for another for hire or for any gratuity and no

person shall purchase any part of a pari-mutuel pool through another, wherein he gives or pays directly or indirectly to such other person anything of value. Any person violating this section shall be deemed guilty of a misdemeanor, and, upon conviction in a court of competent jurisdiction, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment not to exceed six months, or both fine and imprisonment in the discretion of the Court.

In addition to the other rules and regulations that may be promulgated by the Racing Commission the following shall be complied with by the licensee or operator of the race plant and employees thereof:

- (a) A duly licensed veterinarian shall be on the grounds at weighing time and make examination of the physical condition of each greyhound, and any dog not considered to be in good physical condition shall be reported to the presiding official.
- (b) An adequate security force shall be employed as prescribed by the Racing Committee. Members of the security force shall have the same powers as other law enforcement officers of the county while performing their duties on the premises of the race track.
- (c) Public liability insurance shall be carried on the licensee or operator in an amount and with a company approved by the Racing Commission.
- (d) All racing events shall be concluded by midnight.
- (e) A pari-mutuel ticket shall not be sold to an individual who is visibly inebriated.

Section 13. Every licensee conducting a race meeting under the provisions of the Act shall pay to the treasurer of the Racing Commission on a quarterly basis, a tax equal to four (4) percent of the total contributions to all pari-mutuel pools made at the track. The total take out by a licensee on any pari-mutuel pool shall be no greater than eighteen (18) percent. After deducting four (4) percent for the Racing Commission and the fourteen (14) percent for the licensee, the remainder of the total contributions to each pool shall be divided among and redistributed to the contributors to such pools betting on the winning dogs. The amount of each redistribution for each winning bet placed shall be determined by dividing the total amount remaining in the pool after the deductions hereinabove provided for by the number of bets placed on the winning dogs. Each redistribution shall be made in a sum equal to the lowest multiple of ten cents per dollar wagered. The

licensee shall be permitted to provide separate pools for win, place, and show and also a daily double pool, a quiniela pool, a double quiniela pool, a perfecta or exacta pool and a trifecta pool. The licensee is entitled to retain the odd cents of all redistributions to be known as the "breaks to a dime", and all monies represented by any unclaimed, uncashed, or abandoned pari-mutuel tickets known as "outs" money. Should there be no ticket bet on the winning dog, the entire pool will be divided among the holders of tickets of the dog running next in line until the pool has been redistributed to the contributors. The licensee shall be required to use a totalizer system to record the wagering and to compute the odds. Rules and regulations governing the operation of each of the pools shall be established by the Racing Commission. The licensee shall collect from each paid attendant attending the race meetings under the provisions of the Act (10) cents as an admission tax. Licensees shall make payment of such taxes to the treasurer of the Racing Commission once each quarter (3 months), which payment shall be accompanied by a report on the attendance covered by such report and such other information as the Racing Commission may require.

Section 14. The license fees, commissions, and excise taxes imposed herein shall be in lieu of all licenses, excise taxes, occupational taxes, and all other taxes including but not limited to any and all sales taxes, lease taxes, unemployment compensation taxes, utility taxes, alcoholic beverage taxes and ad valorem taxes payable to either the State of Alabama and/or the County of Macon, or any other county, city, town or political subdivision.

Section 15. All fees, commissions, taxes, and other monies, including fines, and forfeitures, received under the provisions of this Act shall be paid to the treasurer of the Racing Commission and deposited by said treasurer to the account of the Macon County Racing Commission within two working days of the last race. All such monies remaining after payment of expenses incurred in the administration of the Act, including the payment of the salaries and expenses of the members and employees of the Racing Commission shall be distributed on a quarterly basis as follows: to the Macon County governing body 24%; to the City of Tuskegee, Alabama 17%; to the City of Notasulga, Alabama 2%; to the Town of Franklin, Alabama 1%; to the Macon County Board of Education 14%; to Tuskegee Institute 10%, of which one-half thereof shall be appropriated to and administered by a committee of three to be named by the Alabama legislative delegation representing Macon County, and who shall serve at the pleasure of said delegation. Said appointed committee members shall have the same qualifications as the Macon County Racing Commissioners. They shall be authorized to accept and consider applications from bona fide

residents of Macon County, who in their discretion are needy and meet the necessary qualifications, to attend Tuskegee Institute as full-time students, and to disburse certain funds to qualified applicants. Said appointed committee members shall receive Five Hundred Dollars (\$500.00) per month for their duties from funds appropriated to them herein, with the necessary staff being furnished by Tuskegee Institute; to Indigent Health Care, through the Macon County Commission 2%; to the Emergency Ambulance, through the City of Tuskegee 3%; to the Tuskegee Housing Authority 2%; to the Macon County State Contingency Plan for Charity Hospital 5%; to the Macon County Contingency Charity for Poor People during Christmas, Easter, Thanksgiving and for special emergencies 3%; to the Macon County Community Action Committee 10%; to Southern Vocational College 5%; and to the Macon County Council on Retardation and Rehabilitation 2%. In the event any agency, receiving funds pursuant to the provisions of this Act, terminates or becomes inactive for a period of five years, all funds, including interest, on deposit, or allocated to its account or within its control shall revert to the general fund of the Macon County governing body.

Section 16. Any corporation, association, or person who directly, or indirectly holds any greyhound dog race without having procured a license as prescribed in the Act shall be guilty of a misdemeanor. Any person wagering upon the results of races, except in the pari-mutuel method of wagering conducted by a licensee and upon the grounds or enclosure of said licensee, shall be guilty of a misdemeanor. Any corporation, organization, association, or person who violates any provision of this Act, for which a penalty is not expressly provided shall be guilty of a misdemeanor. Upon conviction of any of the above misdemeanors in a court of competent jurisdiction, the penalty shall be a fine of not less than One Hundred Dollars (\$100.00), not more than One Thousand Dollars (\$1,000.00), or by imprisonment of not less than five days nor more than six months, or both, such fine and imprisonment, in the discretion of the Court.

Section 17. Any person who engages in the practice of professional gambling on greyhound dog races, or in the practice of making gambling or wagering books on such races, or who knowingly takes any part in such practices, or has been convicted of any charge of gambling, any felony or any crime involving moral turpitude shall not be eligible as an applicant for any license or permit to operate a race track or a race meeting under the provisions of this Act. Any association or corporation which has such a person as an officer, stockholder or director or knowingly employs any person who engages in such practices shall likewise be ineligible as a licensee, and the Racing Commission is hereby

empowered to inquire into such matters in considering any applications and otherwise administering this Act.

Section 18. Any person who shall influence or have any understanding or connivance with any owner, groom, or other person associated with or interested in any kennel, greyhound, or race in which any greyhound participates, to prearrange or predetermine the results of any such race, or any person who shall stimulate or depress a greyhound for the purpose of affecting the results of a race, shall be guilty of a felony and, upon conviction thereto, shall be imprisoned in the state prison for not less than one year nor more than ten years, or shall be fined not less than Five Thousand Dollars nor more than Ten Thousand Dollars (\$10,000.00), or both such fine and imprisonment, in the discretion of the Court.

Section 19. It shall be unlawful for any person to transmit or communicate to another by means whatsoever the results, changing odds, track conditions, or any other information relating to any greyhound race from any race track in this county, between the period of time beginning one hour prior to the first race of the day and ending thirty minutes after the posting of the official results of each race, as to that particular race, except that this period may be reduced to permit the transmitting of the results of the last race each day not sooner than fifteen minutes after the official posting of such results. Provided, however, that the Racing Commission may, by rule, permit the immediate transmission by radio, television, or press wire of any pertinent information concerning feature races.

It shall be unlawful for any person to transmit by any means whatsoever racing information to any other person, or to relay the same to any other person by word of mouth, by signal, or by use of telephone, telegraph, radio, or any other means, when the information is knowingly used or intended to be used for illegal gambling purposes, or in furtherance of such gambling purposes.

Any person violating the provisions of this section shall be guilty of a felony and, upon conviction, shall be imprisoned in the state penitentiary for not less than one year nor more than ten years, or shall be fined not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00), or both fine and imprisonment, in the discretion of the Court.

Section 20. Upon request of recognized charities, the Racing Commission may extend said limitations of time for greyhound racing not to exceed three (3) days at any one time beyond the period otherwise provided by law so that any such track shall conduct a charity day or days of racing for any one or more recognized charities in Alabama which has a tax exempt status as provided for under the Internal Revenue Code. The total of all profits derived

from the operation of such racing on such charity days, including all monies which would otherwise be received by the Racing Commission as taxes for such day's operations, shall be and become a part of the charity trust fund for which such racing on such days is conducted. The charity trust fund shall be administered as directed by the Racing Commission.

In determining profits derived from such racing on such charity days, which profits shall include all taxes payable to the county or any agency thereof for such day's operations, said tracks shall only be entitled to deduct from the profits, accruing from all receipts on such charity days of racing, their actual operating costs, which costs shall be those expenses incurred by the race track solely be reasons of holding said charity days of racing and shall not be deemed to include such expenses constant from day to day and which would have been incurred had the race on that day not been held, including, but not limited to, such items as capital expenditures, interest on debts, real estate taxes and annual license fee, donations, bad debts, and such other items of daily or prorated expense as the Racing Commission may by rule prescribe.

Section 21. It is the intent of this Act to improve the economic well being of the citizens of Macon County, by providing an increased tax base, jobs for the citizens herein, and promotion of tourism and recreation in Macon County. It is further the intent of this Act to provide for strict local control of the racing plant and the operation of said plant by Macon County citizens so as to minimize the possibility of undesirable gambling elements from ever controlling the industry.

Section 22. A referendum shall be held on the first Tuesday after thirty days have elapsed after passage of this bill and approval of the Governor, or upon its otherwise becoming a law for the purpose of determining if this Act shall become operative. The question to be voted on shall be stated on the ballots or voting machine tabs substantially as follows:

"Do you favor the creation of the Macon County Racing Commission to regulate licensing and supervision of greyhound racing and wagering thereon as provided in Act No. _____ approved _____, 1980?"

If the majority of the votes cast in the referendum are "Yes", greyhound racing shall be legal in Macon County and this Act shall become operative therein; if the majority of the votes cast in the election are "No", this Act shall have no further effect. The Probate Judge of Macon County shall certify the results of the referendum to the Secretary of State in the time frame and in the manner as

provided in other elections in the State of Alabama after the election results are canvassed.

Section 23. No member of the legislative delegation representing Macon County, nor any member of his immediate family, and no member of the Macon County Racing Commission, nor any member of his immediate family, shall have any financial interest in or derive income from any greyhound dog race track in Macon County by any contractual arrangements with the licensee or with any third party in which any of said members are beneficiaries.

Section 24. The Racing Commissioners appointed under the terms of this Act, their successors, any other appointees and their successors, the treasurer and his successors shall be subject to and governed by the Alabama Ethics Law.

Section 25. All appointees under the provisions of this Act shall take the same oath of office as is administered to other county officials.

Section 26. A. The Macon County Governing Body shall cause to be published in a newspaper of general circulation in Macon County, Alabama, for three (3) consecutive weeks, beginning the first publication date after this bill has been signed by the Governor or becomes effective without his signature the following information:

- (1) A pro forma financial statement for a period of five (5) years projecting anticipated revenue to be received by the County of Macon from the operation of the proposed greyhound dog racing enterprise authorized by this Act.
- (2) The estimated annual return on invested capital by all individual investors, promoters, partnerships, stockholders, or corporations who have any present or anticipated financial interest whatsoever in the development or operation of the proposed greyhound dog racing enterprise by this Act.
- (3) The estimated net profit prior to computation of federal income taxes projected over a period of five (5) years accruing each year to the organizing parties of a greyhound dog racing enterprise as authorized by this Act. Annual net profit prior to the computation of federal income taxes shall be defined as the projected annual gross revenue less projected annual operating expenses before annual local taxes and annual state taxes; provided, however, that projected annual net profit prior to the computation of federal income taxes shall exclude bonuses or salaries to all individual investors, promoters, partnerships,

stockholders, or corporations who have any present or anticipated financial interest in the development and operation of the greyhound dog racing enterprise authorized by this Act.

B. The Macon County Governing Body shall authorize the compilation and publication for three consecutive weeks the following information in the manner prescribed by this section:

(1) A survey of the population of counties within a fifty mile radius from any proposed greyhound dog racing facility which shall reasonably estimate the per capita income of potential greyhound dog racing facility customers. This demographic information shall be compiled from reliable public and private sources.

(2) A reasonable estimate of the annual total losses an average customer would incur through participation in pari-mutuel betting at the proposed greyhound dog racing facility authorized by this Act. This statistical information should be compiled from studies conducted on similarly sized pari-mutuel greyhound dog racing facilities in other states.

(3) The intent of Subsection B is to develop a reasonable economic and demographic profile of potential customers at a proposed pari-mutuel greyhound dog racing facility authorized by this Act and to reasonably estimate to what degree the average customer will be economically affected by participation in pari-mutuel betting at such facility.

C. All costs and commissions for the compilation of information and publication required by this section shall be paid from the general fund of Macon County.

Section 27. If any provision, paragraph or part of this Act shall be declared invalid, unconstitutional, or void, the balance of said Act shall remain in full force and effect.

Section 28. All laws or parts of laws in conflict with this Act are repealed.

Section 29. This Act shall become effective upon its passage and approval of the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on March 5, 1980 without approval of the Governor.

COMMENDING MR. PRENTISS BAUGHMAN OF BALDWIN COUNTY, ALABAMA, FOR OUTSTANDING PERFORMANCE OF DUTY.

WHEREAS, it is to be noted that much of the successful and continuing recovery of Baldwin County, Alabama, following Hurricane Frederic must be attributed to the efforts of Mr. Prentiss Baughman, Civil Defense Director for his county; and

WHEREAS, working closely with County Commissioner Jerry Boyington and other commission members, Mr. Baughman was instrumental in keeping a vital pre-storm watch and in issuing advisory bulletins throughout the storm; and

WHEREAS, Prentiss Baughman, in his capacity as director of civil defense operations, helped man the Civil Defense, E.O.C. Office 24 hours a day; he further co-directed and coordinated local efforts with both state and national agencies and helped direct Emergency Volunteer Rescue Units throughout the county; and

WHEREAS, immediately following the hurricane, Director Baughman began the task of a massive clean-up program for the affected area, an awesome responsibility which yet continues throughout Baldwin County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend Mr. Prentiss Baughman of Baldwin County, Alabama, for outstanding performance of duty; we further laud the extraordinarily professional manner in which he conducted his responsibilities and the enviable efficiency that has so greatly contributed to the recovery of Baldwin County.

BE IT FURTHER RESOLVED, That Mr. Baughman receive a copy of this resolution that he may know of our warm praise and of our deep appreciation and esteem.

Approved March 4, 1980

Time: 4:30 P.M.

Act No. 80-52

S.J.R. 17—Gulledge

SENATE JOINT RESOLUTION

EXPRESSING THE APPRECIATION OF THE LEGISLATURE TO BALDWIN COUNTY COMMISSIONER JAMES J. BOYINGTON.

WHEREAS, in its desire to recognize outstanding service to others by citizens of this state, the Legislature of Alabama notes with gratitude the ceaseless and creditable efforts of James J. "Jerry" Boyington in connection with the onslaught of Hurricane Frederic on Alabama's coastal area; and

WHEREAS, Jerry Boyington, Baldwin County Commissioner in charge of Civil Defense, began a careful watch on Hurricane Frederic as soon as it became apparent that the storm's location in the Gulf of Mexico was a decided threat to the area; and

WHEREAS, following notification of all emergency units and organizations, contact was maintained with both the National Weather Bureau in Mobile and the National Hurricane Center in Miami; total evacuation was affected on September 10 and, until September 18, Commissioner Boyington, along with Civil Defense Director Prentiss Baughman and fellow Commissioners Harold Bryars, William Cooper and Neil Lauder, staffed the Civil Defense, E.O.C. Office 24 hours a day; and

WHEREAS, he further helped in coordinating local efforts with all state and national agencies, maintained citizen contact by means of news releases throughout the storm and also helped supervise and coordinate the Baldwin County cleanup program immediately following the storm, a momentous task which continues even today; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Commissioner James J. Boyington for his outstanding efforts on behalf of Baldwin County and all its citizens which have greatly contributed to the successful and continuing recovery of the area following Hurricane Frederic.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Commissioner Boyington in token of appreciation and in praise, and on behalf of the entire Baldwin County Commission.

Approved March 4, 1980

Time: 4:30 P.M.

REQUESTING THE UNITED STATES CONGRESS AND DEPARTMENT OF HEALTH, EDUCATION AND WELFARE TO ALTER REGULATIONS GOVERNING ADMINISTRATION OF MEDICAID PROGRAM.

WHEREAS, in 1970 the State of Alabama joined with the federal government in an effort to meet the medical and health needs of the categorically needy citizens of Alabama by implementing and funding a Medical Assistance Plan, (Medicaid); and

WHEREAS, the costs of maintaining that program have increased dramatically during the past ten years; and

WHEREAS, unnecessary, illogical and costly federal regulations continue to add substantially to the costs of the medicaid program and impair the State of Alabama's ability to effectively manage the program; and

WHEREAS, it has become obvious to the citizens of Alabama that this program cannot be continued in its present form and at its current level of activity; and

WHEREAS, the State of Alabama has determined that the costs of such unnecessary federal requirements could presently be exceeding \$40 million, and the State of Alabama has provided the Department of Health, Education and Welfare with specific references and the estimated costs of each; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that the Executive and Legislative branches of government in the State of Alabama protest the growing burden and excessive costs of federal regulations on this State's medicaid program.

BE IT FURTHER RESOLVED, that the State of Alabama calls upon the United States Congress and the Department of Health, Education and Welfare to immediately review and revise both federal statutes and attendant federal regulations so as to permit, at a minimum, states administering such programs to:

- I. Implement reasonable co-payment requirements for all services;
- II. Purchase services on a negotiated basis by utilizing "prudent buyer" concepts;
- III. Establish reasonable state standards for staffing medical facilities;
- IV. Deny eligibility to recipients because of demonstrated abuse;

- V. Establish methods of reimbursing health care facilities;
- VI. Earn incentive payments for effective management;
- VII. Set stringent admission policies for hospital and nursing home admissions to be enforced by professional standards review organizations;
- VIII. Determine and prescribe administrative procedures and controls, subject only to reasonable and well accepted due process methods;
- IX. Charge agencies, including the Social Security Administration, certifying eligibility for the costs of services provided recipients later found to be ineligible;
- X. Match federal funding ratios at the levels available in 1970;
- XI. Impose reasonable financial assessments on the families of patients requiring nursing home care for indefinite periods of time.

BE IT FURTHER RESOLVED, We encourage the United State Congress and the Department of Health, Education and Welfare to take reasonable steps to restore management of the medicaid program to the states by implementing these and other appropriate measures.

Approved March 4, 1980

Time: 4:30 P.M.

Act No. 80-54

S.J.R. 21—White

SENATE JOINT RESOLUTION

REQUESTING THE ALABAMA CONGRESSIONAL DELEGATION TO INVESTIGATE LOBBYING BY THE LEGAL SERVICES CORPORATION OF ALABAMA.

WHEREAS, the Legal Services Corporation of Alabama is a federally funded non-profit corporation which is forbidden by federal law to attempt to influence the passage or defeat of state legislation, except at the request of a particular legislator; and

WHEREAS, the Alabama Legislature has observed that the Legal Services Corporation of Alabama has been lobbying on a

variety of business matters on a daily basis during the current session, without having been invited to do so; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby respectfully request the Alabama Congressional Delegation to initiate an investigation of this lobbying by the Legal Services Corporation to ensure that this activity complies with the applicable federal law.

Approved March 4, 1980

Time: 4:30 P.M.

Act No. 80-55

S.J.R. 22—Miller

SENATE JOINT RESOLUTION

CONGRATULATING THE 1979 STATE 4A FOOTBALL CHAMPIONS, THE WILDCATS OF ENTERPRISE HIGH SCHOOL.

WHEREAS, the Alabama Legislature notes in congratulatory praise the spectacular season and capture of the 1979 State 4A Football Championship by Enterprise High School of Enterprise, Alabama; and

WHEREAS, ending their regular season with a 9-1 record, the Wildcats claimed their crown with explosive victories over the Murphy High Panthers and the Baldwin County Tigers in the first and second round playoffs; the fired-up Enterprise team then captured a big semi-finals 9-7 win over Jeff Davis of Montgomery, the defending 4A champions, and followed up with a down-to-the-wire 14-13 triumph over Vestavia Hills in the finals to bring home the 4A State Championship for Enterprise High School; and

WHEREAS, Head Coach Bill Bacon and his talented assistants, Coaches Charlie Abernathy, James Daniel, Larry Eddins, Kenneth Hand and Sam Weeks are indeed to be congratulated for directing their team to a tremendous regular season which saw the Wildcats yield just slightly more than 7½ points per game, and to their school's first ever State 4A Football Championship; and

WHEREAS, with every game played in the spirit and tradition of good sportsmanship and fair play, each member of the team is to be highly praised for his integral part in achieving this coveted goal, even enviable in light of the formidable opposition

faced on the gridiron by the Wildcats all season long; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend the Wildcats of Enterprise High School on their 1979 State 4A Football Championship.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Superintendent Thad Morgan, Principal David E. Carter, to Coach Bacon and all assistant coaches, and to each member of the Wildcat Championship Team.

Approved March 4, 1980

Time: 4:30 P.M.

Act No. 80-56

S.J.R. 23—Miller

SENATE JOINT RESOLUTION

PRAISING THE ENTERPRISE HIGH SCHOOL WILDCAT MARCHING BAND, RECENTLY DESIGNATED AS ONE OF THE "TOP TEN BANDS IN THE UNITED STATES."

WHEREAS, a superior honor was recently bestowed upon the Enterprise High School Wildcat Marching Band when the school was informed of the band's selection as one of the "Top Ten Bands in the United States," a coveted designation by the National Band Association and the first such award ever for an Alabama band; and

WHEREAS, the road to the top, however, was just as impressive, beginning with the Wildcat's 4A Championship over North Alabama bands in the Hoover Invitational Band Festival at Birmingham; the champs then captured straight Superior ratings from all judges at Troy's Southeastern States Marching Band Festival, only to follow up with the first place Sweepstakes Award, in competition with 41 of the finest and most competitive bands in the Southeast, in the prestigious Fountain City Marching Band Festival in Columbus, Georgia; and

WHEREAS, Band Director Bill Hickman, in his second year at Enterprise, is to be most highly commended, as are each and every one of the 174 members of this outstanding high school band, all of whom have brought great fame and honor, not only to their school and hometown, but to the entire State of Alabama, as well; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Bill Hickman and his Wildcat Marching Band for outstanding achievement as one of the "Top Ten Bands in the United States."

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Principal David Carter for appropriate school display with a copy also to Director Hickman, on behalf of the entire band, in token of our appreciation, warm praise and esteem.

Approved March 4, 1980

Time: 4:30 P.M.

Act No. 80-57

S.J.R. 24—Higginbotham

SENATE JOINT RESOLUTION

RECOMMENDING THAT ALL SCHOOL SYSTEMS ALLOW OFFICIAL REPRESENTATION OF MILITARY FORCES REASONABLE ACCESS TO CERTAIN SCHOOL FACILITIES FOR RECRUITING PURPOSES.

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That the public school systems of Alabama, both county and city, are encouraged to provide reasonable access to official recruiting representatives of all military forces of the State of Alabama and the United States for the purposes of informing students on educational and career opportunities available in all military services.

WHEREAS, school systems now provide access to persons, or groups which make pupils aware of occupational or educational options; and

WHEREAS, the military services provide a wide range of employment and training options available through the nationwide High School Testing Program; and

WHEREAS, the test can serve as a diagnostic instrument in working with individual students; and

WHEREAS, the Armed Services Vocational Aptitude Battery (ASVAB) is free and carries no obligation; and

WHEREAS, it affords an opportunity to acquaint students with many vocational-technical job fields, both civilian and military, before they become committed to a particular academic pathway; and

WHEREAS, the ASVAB can be a valuable test instrument in advising and guiding those students who display the aptitude, interest, and motivation to seek training and employment in vocational-technical fields; and

WHEREAS, the information obtained from the ASVAB test results is a most vital element in the ability to meet mission requirements of putting quality men and women into the United States Armed Services; and

WHEREAS, because of the increasing complexities of modern weapons systems, the need for intelligent, well-educated young men and women has never been greater; and

WHEREAS, therefore, the military services should be afforded the opportunity to make pupils aware of occupational or educational options, especially in these times of national crises;

NOW, THEREFORE, BE IT RESOLVED That the public school systems of Alabama, both the county and city, are encouraged to provide reasonable access to official recruiting representatives of all military forces of the State of Alabama and the United States for the purpose of informing students on educational and career opportunities available in the military service to all high school Seniors; and

BE IT FURTHER RESOLVED That a copy of this resolution be sent to the State Board of Education and the Superintendent of each county and city school system in the State.

Approved March 4, 1980

Time: 4:30 P.M.

Act No. 80-58

H. 447—Grouby, Edwards

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hayneville in Lowndes County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Hayneville in Lowndes County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to-wit:

The NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$, the S $\frac{1}{2}$ of the S $\frac{1}{2}$ of the NE $\frac{1}{4}$, and the S $\frac{1}{2}$ of the S $\frac{1}{2}$ of the NW $\frac{1}{4}$, Section 17; the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ and the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 16; the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ and the N $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 21; the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the N $\frac{1}{2}$ of the N $\frac{1}{2}$ of the SE $\frac{1}{4}$, the N $\frac{1}{2}$ of the N $\frac{1}{2}$ of the SW $\frac{1}{4}$, and the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 20; the E $\frac{1}{2}$ of the NE $\frac{1}{4}$ and the N $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 19; the E $\frac{1}{2}$ of the SE $\frac{1}{4}$, and the S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 18; lying in Township 14 North, Range 15 East, Lowndes County, Alabama and containing in the aggregate 720 acres, more or less.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 6, 1980

Time: 10:10 A.M.

Act No. 80-59

H. 215—Campbell

AN ACT

Relating to Calhoun County; providing for the rate of mileage compensation paid to individuals by the county commission.

Be It Enacted by the Legislature of Alabama:

Section 1. The Calhoun County Commission shall pay all persons entitled to receive mileage compensation from the county commission the same rate for each mile traveled as the State of Alabama pays to persons entitled to receive mileage compensation from the state. Said mileage compensation shall be in lieu of any previous mileage compensation paid by the Calhoun County Commission to said qualifying individuals.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed, and Act No. 440, H. 981, Regular Session 1978 (Acts of Alabama 1978, p. 463), is hereby expressly repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 10, 1980

Time: 4:30 P.M.

Act No. 80-60

H. 512—Crow

AN ACT

Relating to Calhoun County; providing further for the compensation of election officials.

Be It Enacted by the Legislature of Alabama:

Section 1. Each election official of Calhoun County shall receive the rate of minimum wage for each hour, or fraction thereof, that the polls are open per day for the performance of his official duties. The county governing body of Calhoun County shall supplement the compensation already provided by the general law of the state with funds out of the county general fund sufficient to bring said compensation up to the amount provided for by this act; provided, however, in any municipal election in which the official serves, the supplement provided for herein shall be paid by the municipality in which such election is held.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws whether general, special, or local which directly conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 10, 1980

Time: 4:30 P.M.

Act No. 80-61

S.J.R. 12—Harrison and Pearson

SENATE JOINT RESOLUTION

DESIGNATING THE PARAMOUNT THEATRE IN MONTGOMERY, ALABAMA, AS OUR STATE'S OFFICIAL

THEATRE FOR THE PERFORMING ARTS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Paramount Theatre in our capital city of Montgomery, Alabama, is hereby designated as the "State Theatre for the Performing Arts."

Approved March 11, 1980

Time: 5:30 P.M.

Act No. 80-62

S.J.R. 26—Kirkland, Miller and Little

SENATE JOINT RESOLUTION

COMMENDING DR. AND MRS. SOLON DIXON AND APPROVING THE NAMING OF AUBURN UNIVERSITY'S NEW FORESTRY EDUCATION CENTER IN THEIR HONOR.

WHEREAS, Dr. Solon Dixon, native of Andalusia, Alabama, is a graduate of Auburn University in the class of 1926 and was a faculty member at the University from 1928 until 1934; and

WHEREAS, Dr. Dixon has distinguished himself as a farmer, conservationist, forest industrialist, and a leader in forestry by being among the small group that organized the Alabama Forestry Association some 30 years ago, bringing recognition to the importance of forestry and wildlife and their conservation and improvement; and

WHEREAS, his success in the business world is attested by the development, with his brother Charles, of the Dixon Lumber Company from a small timber and turpentine business into one of the largest family enterprises in Alabama; and

WHEREAS, recognition of his dedication to service to mankind has been recorded by the many awards and honors bestowed upon him, including Alabama Wildlife Federation's "1979 Conservationist of the Year" and the Alabama Forestry Association's "1979 Forestry Business Leader of the Year," and by having the degree, Doctor of Science, Honoris Causa, bestowed upon him by Auburn University at the Fall 1979 graduation ceremonies; and

WHEREAS, Dr. Dixon and his wife, Martha, have made substantial contributions to a number of educational and civic organizations including a very important one to his Alma Mater

that made possible the construction of buildings needed for the establishment of a Forestry Education Center along with the old Dixon home and the land on which it is located together with a gift of a large tract of surrounding forest land; and

WHEREAS, this Forestry Center will further a family tradition that holds deep roots for Dr. Solon Dixon—a tradition that embodies a quiet, but noble respect for the forest environment; and

WHEREAS, the Board of Directors of the Auburn University Foundation and the Board of Trustees of Auburn University unanimously support the naming of the new Forestry Education Center, "The Solon Dixon Forestry Education Center"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Dr. and Mrs. Solon Dixon merit the highest acclaim of the State of Alabama and we do hereby approve the naming of the new Auburn University Forestry Education Center, "The Solon Dixon Forestry Education Center."

BE IT FURTHER RESOLVED, That a copy of this resolution be included in the permanent proceedings of the Alabama Legislature and that a copy be sent to Dr. and Mrs. Dixon.

Approved March 11, 1980

Time: 5:30 P.M.

Act No. 80-63

S.J.R. 27—Kirkland, Miller and Little

SENATE JOINT RESOLUTION

HONORING MRS. CHARLES DIXON AND NAMING THE AUDITORIUM AT THE SOLON DIXON FORESTRY EDUCATION CENTER, THE "CHARLES DIXON AUDITORIUM."

WHEREAS, Mrs. Charles Dixon, throughout her lifetime as the wife of the late Charles Dixon, worked as full partner in the building of the Dixon Lumber Company into a major industry; and

WHEREAS, Mrs. Dixon shared her husband's love for the land and its productivity for Forestry and other aspects of Agriculture; and

WHEREAS, she has made substantial contributions to the Auburn University Foundation that made possible the construction of an auditorium building at the Solon Dixon Forestry Education Center; and

WHEREAS, naming of the building the "Charles Dixon Auditorium" brings together the names of the brothers, Charles and Solon Dixon, in the New Forestry Education Center at the old Dixon home place southwest of Andalusia; and

WHEREAS, it is the desire of Mrs. Charles Dixon that this auditorium be known as the "Charles Dixon Auditorium"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That to honor the memory of Charles Dixon, we hereby name and designate the auditorium at the Solon Dixon Forestry Education Center the "Charles Dixon Auditorium."

BE IT FURTHER RESOLVED, That the proper authorities are hereby authorized to erect and maintain appropriate signs and markers so designating said auditorium as the "Charles Dixon Auditorium."

RESOLVED FURTHER, That Mrs. Charles Dixon is hereby afforded a place of high honor and that this recognition be duly recorded in the permanent proceedings of the Alabama Legislature.

BE IT FURTHER RESOLVED, That a copy of this resolution be included in the permanent proceedings of the Alabama Legislature and that a copy be sent to Mrs. Charles Dixon.

Approved March 11, 1980

Time: 5:30 P.M.

Act No. 80-64

S.J.R. 30—St. John, Bailey, Barron,
Britnell, Callahan, Clemon,
Cook, deGraffenried, Denton,
Figures, Glass, Goodwin,
Gulledge, Hall, Harrison,
Holmes, Keener, Kirkland,
Lemaster, Little, McDonald,
Martin, Miller, Mitchem,
Parsons, Pearson, Proctor,
Robertson, Smith, Taylor,
Teague, Vacca, Weeks and
White

SENATE JOINT RESOLUTION

EXPRESSING OUR DEEP REGRET IN THE TRAGIC
AND UNTIMELY DEATH OF MR. LEO MARTIN, SR., OF
NATCHITOCHES, LOUISIANA.

WHEREAS, it was with a sense of shock and deep sorrow that the Legislature of Alabama learned of the tragic, accidental death of Mr. Leo Martin, Sr., of Natchitoches, Louisiana, on February 13, 1980; and

WHEREAS, Mr. Martin was the father-in-law of our good friend, Senator Dutch Higginbotham, the father of his wife, Betty, whom we also hold in deep affection and with whom we so deeply grieve; and

WHEREAS, though helpless at such a time, we do indeed share this personal tragedy in the lives of Dutch and Betty Higginbotham and we express our most heartfelt sympathy not only to them but to all members of Mr. Martin's family as well; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply grieved by the death of Mr. Leo Martin, Sr., of Natchitoches, Louisiana, and direct that copies of this resolution be sent to his family as evidence of our shared sorrow and deep regret in their great loss.

Approved March 11, 1980

Time: 5:30 P.M.

Act No. 80-65

S.J.R. 32—Smith, Little, Bailey, Barron,
Britnell, Callahan, Clemon,
Cook, deGraffenried, Denton,
Figures, Glass, Goodwin,
Gulledge, Hall, Harrison,
Higginbotham, Holmes, Keener,
Kirkland, Lemaster, McDonald,
Martin, Miller, Mitchem,
Parsons, Pearson, Proctor,
Robertson, St. John, Taylor,
Teague, Vacca, Weeks and
White

SENATE JOINT RESOLUTION

HONORING REX McDOWELL, DIRECTOR OF THE
LEGISLATIVE FISCAL OFFICE.

WHEREAS, since 1975, Rex McDowell has worked in close association with members of the Alabama Legislature, first serving from 1975 until 1978 as House Fiscal Officer; from 1978 until the present he has served with distinction and utmost competence as Director of the Legislative Fiscal Office, a position of tremendous responsibility and accountability, as well; and

WHEREAS, a graduate of A. G. Parrish High School in Selma, Alabama, Mr. McDowell is a graduate also of the University of Alabama with a B.A. Degree in Public Administration and a Master's Degree in Business Administration; thus by education and through experience, he was eminently qualified for the directorship he now holds and in which office he has indeed exhibited extraordinary ability; and

WHEREAS, Rex McDowell's leadership qualities are further discernible through his involvement in numerous of the civic and charitable affairs of his community; he is a member of the Capital City Rotary Club and serves on the Board of Directors of both the Young Men's Business Club and the American Cancer Society; and

WHEREAS, effective February 19, 1980, Mr. McDowell regrettably has tendered his resignation as Director of the Legislative Fiscal Office; we are pleased for him, however, as he is leaving to accept a commission with the nationally prestigious firm of Price-Waterhouse, Inc., in Washington, D. C.; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Rex McDowell for outstanding service to the Legislature and to the State of Alabama; we further wish him well in his new career and in all future endeavors.

BE IT FURTHER RESOLVED, That Mr. McDowell be presented with a copy of this resolution, in token of friendship, in deep appreciation and esteem.

Approved March 11, 1980

Time: 5:30 P.M.

Act No. 80-66

S.J.R. 33—Gulledge

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF MR. E. FRANK SANDERS,
PROMINENT SOUTH BALDWIN COUNTY BANKER AND
CIVIC LEADER.

WHEREAS, the Legislature of Alabama has been grievously saddened by the death of Mr. E. Frank Sanders of Foley, Alabama, on November 26, 1979, at the age of 74 years; and

WHEREAS, a native of Gordo in Pickens County, Alabama, Mr. Sanders was a longtime resident of Foley where he was associated with the Farmers and Merchants Bank, beginning in July, 1926, for some 53 years; his last 23 years of service with the bank were as President and Chairman of the Board; and

WHEREAS, he served on the South Baldwin Chamber of Commerce Board of Directors for several years and further twice served as President, in 1946-47 and again in 1969; he also was the recipient of the South Baldwin Chamber of Commerce first annual "Free Enterprise Man of the Year Award" in 1976; and

WHEREAS, his deep civic involvement extended to active participation in the affairs of the Marietta Johnson School and included service as the school's Chairman of the Board; and

WHEREAS, Mr. Sanders, additionally was instrumental in the founding of the Center for Performing Arts in Foley, providing both leadership and financial support, and for which service he was honored by the naming of the Center's main gallery, "The E. Frank Sanders Gallery"; and

WHEREAS, the death of Mr. E. Frank Sanders has indeed left a void which will long be felt in his beloved community of Foley and in all of South Baldwin County, a loss we share with his family, his associates and many, many friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we deeply mourn the death of Mr. E. Frank Sanders, a prominent citizen of South Baldwin County and a distinguished Alabamian.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to his wife, Mrs. Elizabeth Sanders, with a copy also provided for the Board of Directors of the Farmers and Merchants Bank of Foley, Alabama.

Approved March 11, 1980

Time: 5:30 P.M.

Miller, Parsons, Keener,
Britnell, Kirkland, Hall,
Goodwin, Lemaster, Little,
Martin, deGraffenried,
McDonald, Proctor,
Higginbotham, Teague, Bailey,
Vacca, and Weeks

SENATE JOINT RESOLUTION

ANNOUNCING THE LEGISLATURE'S SUPPORT FOR CARE OF THE INDIGENT ELDERLY AND DISABLED.

WHEREAS, the State of Alabama in its efforts to provide care for the elderly and disabled has been forced into an impossible position by unrealistic Federal guidelines; and

WHEREAS, the Legislature and the people of Alabama have always supported care for our elderly and disabled; and

WHEREAS, the federal government has not modified its unrealistic guidelines to facilitate Alabama's efforts to provide care for its citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body does announce the support of a program to determine, by state guidelines, those elderly and disabled in need of state assistance, and does further pledge its support for additional taxes if necessary to fund programs developed and controlled by Alabama guidelines.

Approved March 11, 1980

Time: 5:30 P.M.

Act No. 80-68

S.J.R. 37—Mitchem

SENATE JOINT RESOLUTION

EXPRESSING THE LEGISLATURE'S APPRECIATION TO TVA OFFICIALS AND PLEDGING ITS FULL SUPPORT OF THE AUTHORITY'S PROPOSED "MURPHY HILL SITE" IN MARSHALL COUNTY, ALABAMA.

WHEREAS, the Legislature of Alabama is delighted to note the prime consideration of Murphy Hill in Marshall County, Alabama, as the location of a coal gasification plant proposed as a national energy demonstration project to prove the practicability of converting coal to gas as a means of alleviating our nation's energy crisis; and

WHEREAS, TVA board members, Chairman S. David Freeman, Richard Freeman and Bob Clements, are to be most highly commended for their efforts in establishing such a facility during a time of absolute necessity for the United States to develop its domestic energy resources and eliminate our dependency on foreign oil; and

WHEREAS, Alabama Congressman Tom Bevill has been instrumental in the promotion of coal-to-gas conversion and shares the commendable foresight of the TVA Board and other officials in realizing the advantage of establishing this project at a site so strategically located to existing industrial gas markets, water and coal; and

WHEREAS, with energy self-sufficiency as its primary goal, the Murphy Hill Site would also prove to have a tremendous economic impact on Marshall County and all of Alabama; the estimated \$2 billion plant would employ some 2000 workers during construction, an estimated 300 to 500 during operation and would have the resultant benefit of an influx of other industries seeking to take advantage of the site's product; and

WHEREAS, both in the best interest of our nation and the economic well-being of our state, the Alabama Legislature pledges its full support of the Murphy Hill Site project, from inception to completion, and dedicates its interest and efforts toward the realization of such a vital facility, with continuing assistance in every possible way during actual operation of the plant; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we unanimously express our appreciation for TVA efforts to establish the Murphy Hill Site project in Alabama; we further restate our full support and cooperation to TVA Board Chairman S. David Freeman, board members Richard Freeman and Bob Clements, and to Congressman Tom Bevill to whom copies of this resolution shall be sent.

Approved March 11, 1980

Time: 5:30 P.M.

Act No. 80-69

S.J.R. 38—Robertson

SENATE JOINT RESOLUTION

NOTING THE OCCASION OF ROTARY INTERNATIONAL'S 75TH ANNIVERSARY.

WHEREAS, the Legislature of Alabama is pleased to note the occasion of the 75th anniversary of Rotary International, observed February 17-23, 1980; and

WHEREAS, Rotary is an international service organization with its membership composed of business and professional executives united in the one common purpose of making the world a better place in which to live; and

WHEREAS, Rotarians, believe that the universal application of tolerance and friendliness would bring about the international peace so earnestly desired by everyone, and their activities, directed toward that end, also include community betterment projects, programs designed to lead boys and girls into good citizenship and the promotion of high standards in business and professions; and

WHEREAS, founded in Chicago in 1905, with one club and five members, Rotary International has grown through the years to encompass 18,409 clubs with a total membership of some 853,000 Rotarians in 153 countries throughout the world; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That supportive also of the advancement of international understanding, good will and peace, we most highly commend Rotary International for its purpose of being and offer our congratulations to all Rotarians on the 75th anniversary of Rotary International.

BE IT FURTHER RESOLVED, That this resolution be duly recorded and included in the permanent proceedings of the Alabama Legislature.

Approved March 11, 1980

Time: 5:30 P.M.

Act No. 80-70

S.J.R. 39—Miller, Robertson, Bailey,
Barron, Britnell, Callahan,
Clemon, Cook, deGraffenried,
Denton, Figures, Glass,

Goodwin, Gullede, Hall,
Harrison, Higginbotham,
Holmes, Keener, Kirkland,
Lemaster, Little, McDonald,
Martin, Mitchem, Parsons,
Pearson, Proctor, Smith,
St. John, Taylor, Teague,
Vacca, Weeks and White

SENATE JOINT RESOLUTION

HONORING MRS. KATE SIMMONS UPON HER RETIREMENT.

WHEREAS, Savilla Katherine Thompson Simmons, known to all as "Miss Kate", has rendered fifty-one years of loyal and dedicated service to the State of Alabama; and

WHEREAS, Miss Kate has faithfully served every governor since Governor Bibb Graves in 1930; and

WHEREAS, her retirement on January 31, 1980 marked the end of an illustrious career as Alabama's No. 1 public servant; and

WHEREAS, her presence will be sorely missed by everyone who has known and worked with her over the years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that the Legislature of Alabama hereby expresses our most heartfelt appreciation to Mrs. Kate Simmons for the decades of unselfish service she has rendered to the State of Alabama.

BE IT FURTHER RESOLVED, that the desk and typewriter which Miss Kate used during her tenure as Recording Secretary to the Governor's Office be presented to Miss Kate as a token of appreciation and esteem from the people of Alabama and in recognition of a job well done.

Approved March 11, 1980

Time: 5:30 P.M.

Act No. 80-71

S.J.R. 42—Smith, McDonald and Lemaster

SENATE JOINT RESOLUTION

COMMENDING THE ALABAMA A & M SOCCER TEAM, 1979 NATIONAL CHAMPIONS.

WHEREAS, the State of Alabama is proud indeed of the national championship brought home to our state by the outstanding soccer team of Alabama A & M University; and

WHEREAS, first in '77, second in '78, it was the top spot once again for A & M by virtue of a 2-0 victory over a powerhouse Eastern Illinois team in the championship game played in Miami, Florida; and

WHEREAS, under Coach Salah Yousif's talented leadership, A & M, playing in NCAA Division II, finished its regular season with a phenomenal 21-1 record and, during a 10-day tour of Bermuda, the team played four games, winning all four, to become the first team in ten years to accomplish such a feat; and

WHEREAS, Gebru Wolde Amanuel was named Most Valuable Player in this NCAA tournament, and his superb performance was both backed and complemented by the all-out effort of his 20 champion teammates, all of whom contributed greatly to A & M's capture of the National Crown; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate the National Championship Alabama A & M University Soccer Team and voice our deep appreciation for the fame and honor they have brought to the State of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Coach Yousif, on behalf of the entire team, that they may know of this body's deep pride and pleasure in their National Soccer Championship.

Approved March 11, 1980

Time: 5:30 P.M.

Act No. 80-72

S.J.R. 43—Callahan, Gullledge and Martin

SENATE JOINT RESOLUTION

Commending the University of South Alabama's Basketball team, and Coach Cliff Ellis, for winning the Sun Belt Conference Championship for the second year in a row.

WHEREAS, the State of Alabama has been recognized for excellence in all fields of university sports; and

WHEREAS, the University of South Alabama's Basketball team, directed by Coach Cliff Ellis, has achieved an overall record

this season of 22 wins against only 4 losses, and

WHEREAS, that same basketball team has won the Sun Belt Conference Championship for the past two years, and

WHEREAS, the South Alabama Basketball team has consistently filled the Municipal Auditorium for their home games, showing the overall enthusiasm of the citizens of Mobile, and

WHEREAS, the University of South Alabama Athletic Department has received numerous inquiries about the basketball program from prospective student-athletes from all across the fifty states,

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, both houses thereof concurring, that Coach Cliff Ellis and the entire University of South Alabama Basketball team be commended for the outstanding job that they have done in winning the Sun Belt Conference Championship for the second year in a row, and for the excellent job that this basketball program has done in helping to promote the sport of basketball not only in Alabama but throughout the nation.

BE IT FURTHER RESOLVED that a copy of this Resolution be provided to Coach Cliff Ellis of the University of South Alabama.

Approved March 11, 1980

Time: 5:30 P.M.

Act No. 80-73

S.J.R. 48—Robertson, St. John and Goodwin

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF FRANKLIN CORBIN EVANS, PROMINENT CHOCTAW COUNTY JURIST.

WHEREAS, the Alabama Legislature has been grievously saddened by the death of Franklin Corbin Evans of Butler, Alabama, on February 12, 1980, at the early age of 61 years; and

WHEREAS, our former colleague in the Alabama House of Representatives, from 1947 to 1951, the Honorable Franklin C. Evans was a graduate of Centenary College in Shreveport and of the University of Alabama School of Law in 1941; he was a practicing attorney in Butler who was later to serve for 18 years as Judge of the Inferior Court of Choctaw County; and

WHEREAS, he was a veteran of the United States Army Air

Force Signal Corps, serving from 1941 until 1945 and in both major theatres of World War II; and

WHEREAS, Judge Evans, who had been an outstanding high school athlete, lettering in all three major sports at Choctaw County High, retained a lifetime interest in athletics and was a former member of both the Butler Quarterback and Sports Boosters Clubs; he also was a member of the Butler Lions Club and a longtime member of the First United Methodist Church of Butler; and

WHEREAS, professionally, he was a member of the Alabama State Bar and the Choctaw County Bar Association of which he had been named President Emeritus; he had further served on the Board of Directors of the Choctaw Bank of Butler and as Secretary since 1965, was a member of and attorney for the Choctaw County Hospital Board, a former City Attorney for Butler and a public servant of other municipalities of the county as well; and

WHEREAS, as a prominent citizen who was deeply involved in all areas of community affairs, Judge Evans is sorely missed not only by his beloved family, but by his many friends, colleagues and fellow citizens; his death has indeed left a deep void that will long be felt in Butler, all of Choctaw County and the entire state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Judge Franklin Corbin Evans and extend our most heartfelt sympathy to his wife, Mrs. Marie Allen Evans, and to their children and other family members to whom copies of this resolution shall be sent.

Approved March 11, 1980

Time: 5:30 P.M.

Act No. 80-74

S.J.R. 49—Robertson

SENATE JOINT RESOLUTION

HONORING THE REVEREND DAVID CHESTER MASON, SENIOR, OF CHOCTAW COUNTY, ALABAMA.

WHEREAS, in its desire to recognize those Alabamians who have significantly and providentially served their fellowman, the Legislature of Alabama stands in tribute to the Reverend David Chester Mason, Sr.; affectionately known as "Brother Mason" or "Mr. Chester," he also has been called "The Abraham of Choctaw County"; and

WHEREAS, a native and lifelong resident of Isney in Choctaw County, Brother Mason was called to the ministry and began preaching at the early age of just 14 years; ordained at age twenty-five, he has served eighteen pastorates in six associations in two states, and for most of that time has pastored five churches simultaneously and, today, at age 90, is in his 65th year of one pastorate and the 60th year of another; and

WHEREAS, from the smallest even to the largest congregation in his associations, Mr. Chester has ministered to the needs of his people; the religious leadership and spiritual guidance he has provided his congregations evidence his devotion to and love for his Lord, and are his obedient response to God's commandment; and

WHEREAS, as one who has been honored by the Choctaw Baptist Association as an outstanding leader in his Church, the Reverend Mason has been a pathfinder in other areas as well, most particularly in the political and economic affairs of his county; he also was recognized following World War I by the President of the United States for speeches he made, throughout two countries, on the progress of the War; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend the Reverend David Chester Mason, Sr., for his lifetime of labor as a devoted servant of God; we further voice our deep appreciation for his ministry and direct that he receive a copy of this resolution in praise of his service to mankind.

Approved March 11, 1980

Time: 5:30 P.M.

Act No. 80-75

H.J.R. 65—Biddle

HOUSE JOINT RESOLUTION

WHEREAS Dean Fain A. Guthrie has made outstanding and unique contributions as the administrative leader of the professional education programs at The University of Alabama in Birmingham's School of Education from its creation, through its formative years, and into its maturation as a major influence among the institutions of higher education in the State of Alabama; and

WHEREAS Dean Guthrie has nurtured the development of

collaborative, mutually supportive relationships and functional interaction with professional colleagues in public schools of the Greater Birmingham area as well as other areas in Alabama and has served as an effective spokesman for teacher education throughout the local and statewide communities; and

WHEREAS Dean Guthrie served on numerous State Department of Education committees during periods of time in which critical decisions were made to redefine, redirect, and strengthen statewide teacher education programs and certification of teachers; and

WHEREAS Dean Guthrie has provided leadership in the State while serving as President of the Alabama Association of Colleges for Teacher Education and as a member of the Association's Executive Committee and as a member of statewide groups such as the committee to establish certification requirements for Alabama school counselors, the Steering Committee for Statewide Evaluation of Teacher Education Programs, and the committee to recommend licensure procedures for psychologists in Alabama; and

WHEREAS Dean Guthrie has facilitated development of strong bonds of communication and interest among the institutions of higher education, the State Department of Education and public school systems of Alabama; and

WHEREAS Dr. Guthrie is relinquishing the role of Dean of the School of Education to serve as Professor of Human Services Education at The University of Alabama in Birmingham: Therefore, be it

RESOLVED, That the Legislature of Alabama, both houses thereof concurring, hereby expresses to Dr. Fain A. Guthrie its deep appreciation and gratitude for his leadership and unselfish devotion to The University of Alabama in Birmingham and its School of Education and to public education in the State of Alabama, and herewith extends to him its best wishes for continuing success as Professor of Human Services Education.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Dr. Guthrie in grateful acknowledgment.

Approved March 11, 1980

Time: 5:30 P.M.

Act No. 80-76

H.J.R. 72—Zoghby, Bedsole, Turner,
Kennedy, Stewart, Buskey,
Parker, McMillan, Harper (T)

HOUSE JOINT RESOLUTION

MOURNING THE TRAGIC DEATH OF KATHERINE
ELIZABETH FOSTER.

WHEREAS, The Legislature of the State of Alabama was shocked and saddened to learn of the tragic slaying of young Katherine Elizabeth Foster whose body was found on Saturday, February 23, 1980; and

WHEREAS, Katherine Foster was born in Pascagoula, Mississippi, where she attended school, setting a tremendous example for her fellow students to emulate; she was an excellent student earning honor as the Salutatorian of the 1979 graduating class of our Lady of Victory High School; and

WHEREAS, Katherine then entered the University of South Alabama in Mobile, where she was loved and admired by everyone who knew her; and

WHEREAS, Katherine was a devout Catholic, contributing relentlessly to services of Our Lady of Victory Catholic Church in Pascagoula as well as attending mass at the University of South Alabama; and

WHEREAS, Katherine, during her almost nineteen years of life, personified perfection in a young lady; and

WHEREAS, everyone who knew Katherine has been blessed by the gift of her life, and this beloved young lady will be sorely missed by all; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn, and do deeply regret, the death of Katherine Elizabeth Foster and express our deep and sincere sympathy to her parents, Mr. and Mrs. Walker Foster, and to her family;

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Foster family that they may know we truly share the sorrow of their great loss.

Approved March 11, 1980

Time: 5:30 P.M.

Act No. 80-77

H.J.R. 81—Dial, Shoemaker, Ford,
Johnson (R.G.), Barton, Kelley

HOUSE JOINT RESOLUTION

NAMING THE ARMORY AT CHILDERSBURG,
ALABAMA, "THE GENERAL IVAN R. SMITH ARMORY."

WHEREAS, Brigadier General Ivan R. Smith is a native of Gadsden, in Etowah County, Alabama; he is a graduate of Cottonwood High School, Cottonwood, Alabama, of Jacksonville State University, with BS and AB Degrees awarded in 1951 and the University of Alabama where he earned his DMD Degree in 1957; and

WHEREAS, commissioned as a Second Lieutenant in Field Artillery upon completion of Senior ROTC training, General Smith entered active duty in August 1951 and, following assignment with the 92nd Armored Field Artillery Battalion, Korea, was released from active duty and attached to the 3052nd USAR School in Birmingham; his 10 military decorations include the Bronze Star, the Korean Service Medal with 3 Service Stars, the Army Commendation Medal, Expert Medical Badge and the Faithful Service Medal of Alabama with 2 Maltese Crosses; and

WHEREAS, General Smith joined the Alabama Army National Guard and was promoted to Captain in 1959; during his prestigious career with the Guard, General Smith has served in numerous assignments on command levels, with promotions through grade to that of Brigadier General in October of 1976 in his present assignment as Assistant State Adjutant General, HHD (-Detachment 1) AL ARNG; and

WHEREAS, General Smith's civilian associations are many and include such offices as past president of the Childersburg Rotary Club, the Childersburg Chamber of Commerce, Talladega Dental Society and of the Alabama Section of the American Colleges of Dentists; he additionally holds membership and has served on the board of numerous civic, social and professional organizations; and

WHEREAS, he also is a Mason and a Shriner, a past member of the Childersburg City Council and a longtime member of the Childersburg First Methodist Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in deep appreciation of his active military service, meritorious service with the Alabama Army National Guard and deep civic

involvement, we hereby name and designate the armory at Childersburg, Alabama, "The General Ivan R. Smith Armory."

BE IT FURTHER RESOLVED, That the proper authorities are hereby directed to erect appropriate signs and markers so designating said armory as "The General Ivan R. Smith Armory."

RESOLVE FURTHER, That a copy of this resolution be sent to General Smith that he may be advised of this honorary designation in appreciation of outstanding service to our country and to the State of Alabama.

Approved March 11, 1980

Time: 5:30 P.M.

Act No. 80-78

H.J.R. 83—McKee

HOUSE JOINT RESOLUTION

CONGRATULATING THE ROBERT E. LEE GENERALS OF MONTGOMERY, ALABAMA, 1980 BOYS' 4A STATE INDOOR TRACK CHAMPIONS.

WHEREAS, for the third consecutive year, the Montgomery, Alabama, Robert E. Lee Generals have captured the State 4A Crown for Boys' Indoor Track; and

WHEREAS, superbly coached by Pat Snell, Lee's thirteen participants racked-up a total of 39 points, the most scored overall by competing 4A teams, statewide; the Generals took first place in the 440 yard dash, the 880 yard run, high jump and the 60-yard high hurdles, with one second place in the mile relay, two "thirds" in the long jump and the pole vault, and placed fifth in three events—the 440, 880 and the high jump; and

WHEREAS, not only did Robert E. Lee's Herman Baughns set a new state record of 48.84 seconds for the 400 yard dash, but also was named the meet's MVP for the second year in a row; and

WHEREAS, with three straight 4A titles to their credit, the Robert E. Lee Generals are indeed to be commended for outstanding accomplishment in competition with some of the finest track stars in the State of Alabama; Coach Snell, too, is to be congratulated, both for his extraordinary coaching skill and for his unique and enviable talent that enables him to motivate and challenge young athletes to new heights of achievement; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Montgomery's Robert E. Lee High School, Boys' State 4A Indoor Track Champions for 1980 and, unbelievably, for the third time in a row.

BE IT RESOLVED, That a copy of this resolution be sent to Principal Clinton Carter for appropriate school display with copies also provided for Coach Snell and for each member of the team.

Approved March 11, 1980

Time: 5:30 P.M.

Act No. 80-79

H.J.R. 84—Harper (T)

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MAYOR J. A. "GUSSIE" WINTZELL

WHEREAS, J. A. "Gussie" Wintzell was a lifetime citizen of Bayou La Batre; and

WHEREAS, Mayor Wintzell was the only mayor that the city of Bayou La Batre has ever had; and

WHEREAS, Mayor Wintzell was truly concerned with the well-being of the citizens of Bayou La Batre; and

WHEREAS, the untimely and tragic death of Mayor Wintzell has left the entire community deeply saddened; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature regrets and grievously mourns the untimely death of Mayor J. A. "Gussie" Wintzell and extends its heartfelt sympathy to his family.

BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to Mayor Wintzell's family.

Approved March 11, 1980

Time: 5:30 P.M.

Act No. 80-80

H. 119—Blake

AN ACT

To alter, rearrange and extend the boundaries and corporate limits of the City of Pell City, St. Clair County, Alabama, so as to annex certain territory to the city.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries and corporate limits of the City of Pell City, St. Clair County, Alabama, are hereby altered, rearranged and extended so as to include within the corporate limits of the city, the following described territory in addition to the area now embraced within such boundaries and corporate limits, to-wit:

That portion of the West one-half of Section 29, Township 17 South, Range 4 East and that portion of the Northwest Quarter of Section 32, Township 17 South, Range 4 East lying South of Alabama Highway 34 and West of Powell's Hideaway Road in St. Clair County, Alabama, LESS AND EXCEPT from the foregoing property the land heretofore conveyed to Alabama Power Company lying below the pool level in what is known as Logan Martin Lake.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 11, 1980

Time: 5:30 P.M.

Act No. 80-81

H. 120—Blake

AN ACT

Relating to St. Clair County; to provide for the salaries of certain county officials; to provide for its retroactive effect; and to provide for a referendum election to be held pursuant to Amendment 196 of the Constitution of Alabama of 1901.

Be It Enacted by the Legislature of Alabama:

Section 1. In St. Clair County, the tax assessor and the tax collector shall each be entitled to an annual salary of \$14,500.00. Such salaries shall be in lieu of all other compensation heretofore provided by law and shall be paid from county funds in equal monthly installments. Such salary shall be retroactive to October 1, 1979 and all actions taken and payments made pursuant thereto on or after that date are ratified and confirmed.

Section 2. This act shall become effective only if approved by a majority of the qualified electors of St. Clair County voting at a referendum election held not less than three months after the final adjournment of the legislative session at which this law is enacted. The governing body of St. Clair County shall order and provide for the holding of the referendum on such date. On the ballots to be used at the election, the question shall be stated substantially as follows: "Shall the provisions of Act No. _____ of the 1980 Session of the legislature, which adjusts and fixes the salary and allowance of a certain officer of St. Clair County, be adopted? Yes () No ()."

If a majority of the votes cast at the election are "Yes," the provisions of this act shall become effective, and shall become applicable to the elective officer mentioned in Section 1. If a majority of the votes cast in the election under this act are "No," this act shall have no effect. The results of the election, however, shall be certified by the judge of probate of St. Clair County to the secretary of state, who shall make a permanent record thereof.

Approved March 11, 1980

Time: 5:30 P.M.

Act No. 80-82

H. 121—Blake

AN ACT

Relating to St. Clair County; to provide for an additional expense allowance for the county coroner and to provide for its retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. In St. Clair County, the county coroner is hereby entitled to receive an expense allowance of \$125.00 per month. Such allowance shall be in addition to all other compensation or allowances heretofore provided and shall be paid monthly from county funds.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. The provisions of this act shall be retroactive to October 1, 1979 and all actions taken and payments made pursuant thereto on or after that date are ratified and confirmed.

Approved March 11, 1980

Time: 5:30 P.M.

Act No. 80-83

H. 168—Waggoner

AN ACT

To amend Section 8-15-7, Code of Alabama 1975, which relates to bond requirements relative to the operation of public warehouses, so as to provide further for the amount of such bonds, and to require the applicant for such bonds to furnish legal proof of Warehouseman's Legal Liability Insurance on the commodities stored in such warehouses as a prerequisite to the issuance of such bonds.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 8-15-7, Code of Alabama 1975, is hereby amended to read as follows:

“§8-15-7.

“(a) In the event the commissioner of agriculture and industries decides that a permit to operate a public warehouse should be issued, he shall fix the amount of the bond which shall be furnished by the applicant and approved by the commissioner prior to the issuance of the permit. In addition to the requirement of bond, the commissioner may require the applicant, as a prerequisite to the issuance of such bond, to furnish legal proof of Warehouseman's Legal Liability Insurance in effect on the commodities to be stored in any such public warehouse.

“(b) Such bond shall be made with some surety company that has complied with the laws of the State of Alabama and which has a reputation for promptly settling claims upon their merits and shall be payable to the State of Alabama in such sum as the commissioner of agriculture and industries may fix, but in no event be more than \$5,000.00. Said bond shall be conditioned upon the faithful performance of his or its duties as a public warehouseman for the period covered by the permit and for a faithful compliance with all laws, rules and regulations relating to the operation of a public warehouse.

“(c) Notwithstanding the above bond requirements the commissioner of agriculture and industries may require the filing of additional bonds at any time by any warehouseman storing agricultural commodities, and the failure to file any such additional bonds, within the time to be fixed by the commissioner, shall be sufficient cause for revoking the permit issued such warehouseman.

“(d) The bond required of an applicant for a permit to operate a public warehouse shall also undertake to pay to the State of Alabama all expenses of any successful litigation which the state institutes to compel a compliance with the laws and rules and regulations relative to public warehouses.

“(e) Any person who suffers a loss because of a breach of the conditions of the required public warehouseman’s bond may bring an action on such bond in his own name against the principal and surety thereon for any such breach and loss until the penalty of said bond is exhausted; provided, that the aggregate liability of the surety to all such persons shall in no event exceed the amount of such bond. In the event the penalty is exhausted, the commissioner of agriculture and industries shall require the filing of an additional bond within a reasonable time period, or revoke the permit heretofore issued.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 11, 1980

Time: 5:30 P.M.

Act No. 80-84

H. 214—Campbell

AN ACT

To repeal Act No. 589, S. 842, approved May 12, 1977, Regular Session 1977 (Acts 1977, p. 783), entitled, “An Act Relating to any county having a population of not less than 95,000 nor more than 115,000 according to the 1970 or any subsequent federal decennial census; to designate one-half of the pistol permit fees to be paid into the general fund of the county treasury to be used by the sheriff at his discretion relative to such office.”

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 589, S. 842, approved May 12, 1977, Regular Session 1977 (Acts 1977, p. 783), entitled, “An Act Relating to any county having a population of not less than 95,000 nor more than 115,000 according to the 1970 or any subsequent federal decennial census; to designate one-half of the pistol permit fees to be paid into the general fund of the county treasury to be used by the sheriff at his discretion relative to such office,” is hereby expressly repealed.

Section 2. This Act shall become effective July 1, 1980.

Approved March 11, 1980

Time: 5:30 P.M.

Act No. 80-85

H. 216—Campbell

AN ACT

Relating to Calhoun County; amending Act No. 73, H. 43, Second Special Session 1978 (Acts of Alabama, 1978, p. 1759), relating to a lodging and public accommodation tax in said county, so as to provide that the county and municipalities therein shall be authorized to spend revenues generated from such tax to contract with persons, firms, corporations, or other private or public entities for the exclusive purpose of promoting and developing tourism and conventions in said county and municipalities.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 12 of Act No. 73, H. 43, Second Special Session 1978 (Acts of Alabama 1978, p. 1759), is hereby amended to read as follows:

“Section 12. The state department of revenue shall charge Calhoun County for collecting the county taxes levied such amount or percentage of total collections as may be agreed upon by the governing body of the county, but such charge shall not in any event exceed ten percent of the total amount of special county taxes collected hereunder within the county. Such charge for collecting the taxes for the county may be deducted each month from the taxes collected before certifying the amount of the proceeds thereof due Calhoun County for that month. The state commissioner of revenue shall pay into the state treasury all taxes collected under this Act, as such taxes are received by the department of revenue; and on or before the first day of each successive month (commencing with the month following the month in which the department makes the first collections hereunder), the commissioner shall certify to the state comptroller the amount of taxes collected under the provisions of this Act and paid by him into the state treasury for the benefit of Calhoun County during the month immediately preceding the making of such certificate. Provided, however, that before certifying the amount of the taxes paid into the state treasury for the benefit of Calhoun County during each month, the commissioner may deduct from the taxes collected in said month the charges due the department for the collection of the taxes for the county. It shall be the duty of the comptroller to issue his warrant each month payable to the governing body of Calhoun County, in an amount equal to the amount so certified by the state commissioner of revenue as having been collected for the use of the county. The custodian of the general funds of Calhoun County shall deposit the revenue derived from the tax levied herein in a special account separate and apart from other funds of the county and such funds shall be used exclusively for the purpose of developing and promoting tourism and conventions. It is hereby further provided

that the county and each municipality located in the county shall be authorized to expend revenues generated by the tax imposed herein or other revenues to contract with persons, firms, corporations, or other public or private entities for the exclusive purpose of promoting and developing tourism and conventions in said county and municipalities located therein."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 11, 1980

Time: 5:30 P.M.

Act No. 80-86

H. 219—Campbell

AN ACT

Relating to Calhoun County; fixing the fee for issuance of a pistol permit by the sheriff; and providing for the distribution and use of such fees.

Be It Enacted by the Legislature of Alabama:

Section 1. In Calhoun County, the fee for the issuance of a pistol permit to carry a pistol in a vehicle or concealed on or about the person as provided in Section 13-6-155 of the Code of Alabama 1975, shall be \$5.00, which shall be collected by the sheriff of such county and deposited in the county treasury. Fifty per cent of such fee shall be credited to a special fund or account in the county treasury to be known as the sheriff's law enforcement fund to be used by the sheriff at his discretion for purposes relative to such office. The remaining fifty per cent of such fee shall be deposited in the county's general fund.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective July 1, 1980.

Approved March 11, 1980

Time: 5:30 P.M.

Act No. 80-87 H. 410—Cates, (Wyatt

AN ACT

Relating to Crenshaw County; to provide clerk hire allowance for the Tax Assessor and Tax Collector and to give this act retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. In Crenshaw County, the county commission is authorized to provide clerical assistance allowances for the offices of the Tax Assessor and Tax Collector. Such allowances shall be paid from the general funds of the county on warrants issued in the manner provided by law.

Section 2. The operation of this act shall be retroactive to October 1, 1979, and all actions taken and payments made pursuant thereto on and after that date are ratified and confirmed.

Approved March 11, 1980

Time: 5:30 P.M.

Act No. 80-88

H. 436—Cobb

AN ACT

Providing for the establishment of a merit system for the county and municipal law enforcement officers, full-time firemen, radio operators, jailers and law enforcement support personnel in Marion County; and providing for a merit system board governing the removal and official conduct of such county and municipal employees.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in Marion County, Alabama.

Section 2. As used in this act, unless the context clearly requires a different meaning:

(a) "county" means Marion County;

(b) "municipality" means any municipality in Marion County;

(c) "employee" means any law enforcement officer, full-time firemen, radio operator, jailer and law enforcement support personnel, not excepted by Section 3 of this act, who is employed in the service of Marion County or any municipality of Marion County, or any board, agency or instrumentality thereof.

(d) "merit employee" means any such employee who shall have completed one year of probationary employment;

(e) "board" means the merit system board created by this act;

(f) "appointment authority" means in the case of employees in the offices of the elected officials of the county or of a municipality, such elected officials, and means, in the case of all other county or municipal employees, the county or municipal governing body, or the board or other agency supervising their work.

Section 3. The provisions of this act shall apply to all law enforcement officials and employees in the service of the county or any board, agency or instrumentality thereof except:

(a) persons holding elective offices;

(b) members of appointive boards, commissions and committees;

(c) persons whose employment is subject to the approval of the United States government or any agency thereof.

Section 4. All employees to whom the provisions of this act apply shall be governed by merit system rules and regulations governing dismissals, suspensions, lay-offs and terminations prescribed in this act, administered by the merit system board, the creation of which is provided for in Section 5 hereof. Presently employed persons shall remain in their respective employments during good behavior; but nothing herein shall be construed to prevent or preclude the removal of such an employee for cause in the manner hereinafter provided and such employees shall be subject to all the provisions of this act.

Section 5. There is hereby created the merit system board of Marion County, Alabama, which shall become effective upon passage of this act and shall be composed of three members:

(a) One member shall be appointed by the Marion County Commission.

(b) One member shall be appointed by Marion County Lodge No. 32 of the Fraternal Order of Police.

(c) One member shall be appointed jointly by the municipalities of Marion County.

Original appointees shall serve for terms of one, two, and four years, assignment of terms to be determined by drawing lots. Thereafter, all appointees shall serve for a period of four years. No person shall be appointed to the board unless he or she is a resident and qualified elector of Marion County and over the age of 21 years.

Members of the board shall take the constitutional oath of office, which shall be filed in the office of the probate judge. Vacancies on the board shall be filled for the unexpired term of the vacant position in the same manner as original appointments. The members of the board shall elect a chairman and secretary from among their members. Any member of the board who becomes a candidate for, or is elected or appointed to another public office of profit must vacate his office as a member of the board. No board member shall be an elected official, appointed employee or employee of the county or any municipal government.

Section 6. Each member of the board shall be paid \$10.00 per month.

Section 7. The board shall fix the times for its regular meetings and it may hold special, adjourned or called meetings at any time. A majority of the members of the board shall constitute a quorum for the transaction of business. All meetings of the board shall be held in the Marion County courthouse. The board may prescribe rules governing its procedure provided such rules are not inconsistent with the provisions of this act.

Section 8. The board shall keep minutes of its meetings and a record of all business transacted by it. Its records, except those which the rules of the board require to be held confidential for reasons of public policy, shall be open for inspection by any resident of the county at all reasonable times.

Section 9. The governing body of Marion County shall provide the board with materials and secretarial help when needed during meetings and shall assign an area from time to time for the board meetings. It shall also provide filing cabinets and storage space for the board.

Section 10. The compensation to each board member and all other expenses of the board arising under the provisions of this act shall be paid from funds of the county on the order of the board in the same manner as other county salaries and expenses are paid. At the end of the county's fiscal year, the board shall prorate the total sum which it has expended for the purposes of this act between the county and the municipalities subject to this act, charging each with such part of the total sum so expended as the total number of officers or employees of such county or municipality who were subject to the provisions of this act on the last day of the county's fiscal year bears to the total number of officers or employees of the county and municipalities subject to the provisions of this act on such last day of the county's fiscal year. The sum so arrived at by the county as the proper contribution of each shall be certified to the

chairman of the board and when approved by him in writing, shall become a liability of the county or respective municipality, and shall be paid immediately to the county. In the event any contribution levied hereunder shall not be paid within 30 days after approval by the board chairman, the county may bring suit therefor in any court of competent jurisdiction and any judgment so recovered shall be satisfied from any funds in such treasury or funds against which such contribution levy lies. In the event the salaries of employees of the county or municipalities are paid in part from different treasuries or different funds in the same treasury, the liability for this contribution shall accrue against such various treasuries or funds in the same proportion as the salaries of the employees of the county or municipality are paid therefrom.

Section 11. All appointments of employees to which this act applies, other than temporary appointments, shall be probationary for one year from the date of appointment. A probationary employee may be discharged by the sheriff or a governmental entity at their pleasure at any time before the expiration of one year from his appointment. After he shall have served for one year in the position to which he was appointed or employed, such employee shall become a merit employee.

Section 12. Whenever a new sheriff is elected or appointed, he may appoint any person as his chief deputy sheriff, provided such person meets the minimum standards for law enforcement officers as prescribed by the general laws of the state. The person holding the position of chief deputy sheriff immediately preceding such appointment of a chief deputy may be reduced in rank. Whenever a new municipal administration is elected or appointed, they may appoint any person as chief of police, provided such person meets the minimum standards for law enforcement officers as prescribed by the general laws of the state; and the person holding the position of chief of police may be reduced in rank.

Section 13. The appointing authority shall have authority to suspend, without pay, a merit employee for any personal misconduct, or fact, affecting or concerning his fitness or ability to perform his duties in the public interest. In the event a merit employee is suspended without pay for more than 10 days in any one year, he shall be entitled to a public hearing by the board upon written demand filed within five days from the date of the order of suspension. If, after hearing, the board determines that the action of the appointing authority was not with good cause, the suspension shall be revoked.

Section 14. (a) The governing body of the county or a municipality, or the head of any department or office can remove,

discharge or demote any merit employee who is directly under such governing body, or department head, provided that within five days a report in writing of such action is made to the board, giving the reason for such removal, discharge or demotion. The employee shall have ten days from the time of his notification of his removal, discharge or demotion in which to appeal to the board. If such appeal is filed, the board shall thereupon order the charges or complaint to be filed forthwith in writing, if not already filed, and shall hold a hearing de novo on such charges. No merit employee shall be removed, discharged or demoted except for some personal misconduct, or fact, rendering his further tenure harmful to the public interest, or for some cause affecting or concerning his fitness or ability; and if such removal, discharge or demotion is appealed to the board, then the same will become final only upon affirmation by the board after a hearing upon written charges or complaint has been had and after an opportunity has been given such employee to face his accusers and be heard in his own defense. Pending a hearing on said appeal, the affected employee may be suspended; and after such hearing the board may order said employee reinstated, demoted, removed, discharged, or suspended, or take such other disciplinary action as in their judgment is warranted by the evidence and under the law. In all cases, the decision of the board shall be reduced to writing and entered in the record of the case and shall include the board's findings of facts upon which its decision is based.

The board shall have the power to administer oaths, take depositions, certify official acts, and issue subpoenas to compel the attendance of witnesses and production of papers necessary as evidence in connection with any hearing, investigation, or proceeding within the purview of this act. The sheriff or some other law enforcement officer of the county shall serve all processes of the board. In case a person refuses to obey such subpoena, the board may invoke the aid of the circuit court of Marion County, Alabama, in order that the testimony or evidence be produced. Upon proper showing, such court shall issue a subpoena or order requiring the person to appear before the board and produce all evidence and give all testimony relating to the matter in issue. A person who fails to obey such subpoena or order may be punished by the court as for contempt. The fees of witnesses for attendance and travel shall be the same as fees for witnesses in the circuit court of Marion County, Alabama, which fees shall be paid from the treasury of the county in a case involving an employee of the sheriff's department or from the treasury of the municipality in a case involving an employee of the police or fire department of such municipality.

(b) In all proceedings before the board, the county attorney of Marion County or the attorney for the appointing authority that is

removing, discharging, demoting or firing the said employee shall appear before the board and prosecute all charges instituted by the sheriff or the said governmental entity when requested or directed to do so and give any legal advice and legal assistance to the board as may be requested of it.

(c) Any person aggrieved by a decision of the board may appeal such decision to the circuit court of Marion County within 30 days from the rendition of such decision by the board. Review by the circuit court shall be without a jury and be confined to the record, and a determination of the questions of law presented. The board's findings of fact shall be final and conclusive.

Section 15. No employee shall make, solicit or receive any assessment, donation, subscription or contribution for any political purpose whatsoever, or be a member of a committee or an officer of a political party, or take any part in its management or affairs except to exercise his right as a citizen to express his opinion and cast his vote; no employee shall assist any candidate for nomination or election to public office, or make any public statement in support of or against any such candidate, or participate in any general or primary election; and no employee shall receive any appointment or advancement as a reward for his support of a candidate for office or a political party; nor shall he be dismissed, suspended or reduced in rank or pay as punishment for his failure to support any candidate for political office.

Section 16. Any merit employee who willfully violates any of the provisions of this act, or any rule or regulation issued in pursuance hereof, shall be dismissed from service under the system and shall not be appointed or reemployed for two years.

Section 17. All employees to which this act applies must be covered by the merit system by one year from the effective date of this act.

Section 18. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 19. All laws or parts of laws which conflict with this act are hereby repealed.

Section 20. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 11, 1980

Time: 5:30 P.M.

Act No. 80-89

H. 484—Blake

AN ACT

Relating to St. Clair County; to amend the title and sections 3, 4, 6, 9, 10, and 13 of Act No. 243, H. 509, of the 1979 Regular Session which provides for a personnel board for employees of the county and certain municipalities therein, so as to provide further for employees who may come under the authority of the board, to provide further for certain obligations of the county commission and municipalities, and to provide further for suspension procedures; and to repeal section 8 of said act.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 243, H. 509, of the 1979 Regular Session is hereby amended to read as follows:

“An Act To provide for a personnel board for the employees of St. Clair County, St. Clair County Hospital and any municipalities therein which may elect to come under the authority of such board; to empower such board to promulgate and effect a grievance procedure for all employees who may be subject to its authority under the provisions of this act; to prescribe certain rules and regulations for dismissals; to provide for the composition, terms of office, and compensation of the members of such board; to provide for appeal to the county circuit court of decisions made by said board; and to prescribe penalties for violations of this act.”

Section 2. Sections 3, 4, 6, 9, 10, and 13 of Act No. 243, H. 509, of the 1979 Regular Session are hereby amended to read as follows:

“Section 3. The provisions of this act shall apply to all employees of St. Clair County, St. Clair County Hospital or any municipality therein which elects to come under the authority of this board, but shall not apply to the following persons: (a) elective officers of the county or any municipality therein; (b) members of county or municipal appointive boards, commissions, and committees; (c) all employees of county or municipal boards of education engaged in the profession of teaching or supervising faculties in the public schools; (d) the judge of any court; (e) any employee of the United States government or any agency thereof; (f) any employee of the state of Alabama or any departments thereof; and (g) any CETA workers.

“Section 4. All employees covered under this act shall be governed by such personnel rules and regulations and grievance procedures as may be prescribed or promulgated pursuant to this act by the board created in section 5 hereof. Nothing herein shall be construed to prevent or preclude the removal or transfer of such employees for cause in the manner hereinafter provided and such employees, except for appointment, shall be absolutely subject to the provisions of this act.

"Section 6. Each member of the board shall be paid twenty dollars per meeting day plus such mileage as is provided by law for the St. Clair County commission. The County Commission or municipality shall furnish any clerical assistance and legal council as may be necessary to adequately perform its functions. The board shall hold such regular meetings as it deems necessary. Special meetings shall be held at such times and places determined by the board upon the call of the chairman, or as are otherwise dictated by complaints filed with the board as hereinafter provided. A majority of the board members shall constitute a quorum for the transaction of business. The board shall record the minutes of its meetings including all business transacted therein. All board records, except those required by board rules to be held confidential for reasons of public policy, shall be open for inspection by any resident of the city or county at all reasonable times.

"Section 9. The board shall have authority to suspend an employee for any personal misconduct affecting or concerning his fitness or ability to perform his duties in the public interest. In the event an employee is suspended for more than fifteen (15) days, he shall be entitled to a public hearing before the board upon written demand filed within ten days from the date of the order of suspension. A hearing shall be held no later than ten days following receipt of the written request therefor. If, after such hearing, the board determines that the action was without cause, the suspension shall be revoked, and the employee shall be reinstated with back pay to the date of discharge.

"Section 10. (a) The governing body of any municipality within the county may, by resolution duly adopted, bring its municipal employees under the board. The governing body of any municipality so electing, or any member thereof acting individually, or the head of any department of such municipality; in the case of county employees, the sheriff, or other elected officials vested with powers to appoint employees as provided by law; may remove, discharge, suspend, or demote any subordinate employee of such municipality or county, provided such authority possesses, by law or regulation of the board, such disciplinary powers. Any supervisory employee to whom has been delegated such disciplinary powers may remove, discharge, suspend, or demote any subordinate employee provided that within five days thereof, a written report of such action is made to the board, giving the reason or circumstances surrounding such disciplinary action. If any aggrieved employee is suspended for more than fifteen (15) days or removed or discharged or demoted, such employee shall be entitled to a board hearing on such disciplinary action, upon written demand for such within ten days of such action. Such hearing shall

be held within ten days of the receipt of the written request therefor. All meetings of the board on disciplinary matters shall be open to the public, and shall respect the aggrieved employee's right to face his or her accusers and be heard in his or her own defense. A permanent employee who has completed the six-month probationary period shall not have disciplinary action taken against him except for personal misconduct rendering his further tenure harmful to the public interest, or for any cause affecting or concerning his fitness or ability to perform his duties.

"(b) Pending a hearing on any disciplinary action, the aggrieved employee may be temporarily suspended. Upon a hearing, the board may order said employee reinstated with back pay from the time of such action to the date of reinstatement, or take or approve such disciplinary action as, in their judgment, is warranted by the evidence. Any aggrieved employee shall, after an adverse hearing, have the right to rehearing and appeal as hereinafter provided.

"Section 13. If any such employee or county official is aggrieved by the board's decision, such employee may appeal such decision to the circuit court of St. Clair County within thirty days from the rendition of such decision by the board. Review by the court shall be without a jury and be confined to the record and to a determination of the questions of law presented."

Section 3. Section 8 of Act No. 243, H. 509, of the 1979 Regular Session is hereby expressly repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 11, 1980

Time: 5:30 P.M.

Act No. 80-90

H. 540—Owens, Sandusky, McMillan,
Dixon, Cabaniss, Dial,
Carothers, Riddick, Shoemaker,
Venable, Hammett, Carter,
Roberts, Waggoner

AN ACT

To transfer funds subject to certain restrictions from the state insurance fund to the credit of the state general fund and to appropriate such funds to be used only for medicaid; and to further provide for the transfer back of said funds from the state

general fund to the state insurance fund by the state finance director with approval of the Governor.

Be It Enacted by the Legislature of Alabama:

Section 1. Provided there is no monetary loss in the liquidation of securities held by the state insurance fund on short term securities based on their purchase price, and no monetary loss on bonds sold based on their book value as of March 10, 1980, there is hereby transferred from the state insurance fund, as provided for in Chapter 15 of Title 14 of the Code of Alabama 1975, the sum to be determined by the Governor of up to \$25,000,000 to the credit of the state general fund and such sum is hereby appropriated and shall be used only for medicaid purposes. Such amounts as transferred to the state general fund as provided herein, or any part thereof, may be transferred back from the state general fund to the state insurance fund, with interest at 8 percent per annum, whenever the state finance director, with the approval of the Governor, determines that there are sufficient funds in the state general fund.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 18, 1980

Time: 4:00 P.M.

Act No. 80-91

H.J.R. 109—Manley

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, THE SENATE THEREOF CONCURRING, That when we adjourn today, Thursday, March 13, 1980, we adjourn to meet again on Tuesday, March 18, 1980.

Approved March 20, 1980

Time: 5:10 P.M.

Act No. 80-92

H. 154—Smith (J)

AN ACT

Relating to child custody proceedings; to provide for the jurisdiction of the domestic or family relations courts of this state over child custody proceedings and for the recognition and modification of out-of-state child custody proceedings; and for this purpose to enact the Uniform Child Custody Jurisdiction Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Purposes of Act; Construction of Provisions.

(a) The general purposes of this act are to:

(1) avoid jurisdictional competition and conflict with courts of other states in matters of child custody which have in the past resulted in the shifting of children from state to state with harmful effects on their well-being;

(2) promote cooperation with the courts of other states to the end that a custody decree is rendered in that state which can best decide the case in the interest of the child;

(3) assure that litigation concerning the custody of a child take place ordinarily in the state with which the child and his family have the closest connection and where significant evidence concerning his care, protection, training, and personal relationships is most readily available, and that courts of this state decline the exercise of jurisdiction when the child and his family have a closer connection with another state;

(4) discourage continuing controversies over child custody in the interest of greater stability of home environment and of secure family relationships for the child;

(5) deter abductions and other unilateral removals of children undertaken to obtain custody awards;

(6) avoid re-litigation of custody decisions of other states in this state insofar as feasible;

(7) facilitate the enforcement of custody decrees of other states;

(8) promote and expand the exchange of information and other forms of mutual assistance between the courts of this state and those of other states concerned with the same child; and

(9) make uniform the law of those states which enact it.

(b) This act shall be construed to promote the general purposes stated in this section.

Section 2. Definitions.

As used in this act:

(1) "contestant" means a person, including a parent, who claims a right to custody or visitation rights with respect to a child;

(2) "custody determination" means a court decision and court orders and instructions providing for the custody of a child, including visitation rights; it does not include a decision relating to child support or any other monetary obligation of any person;

(3) "custody proceeding" includes proceedings in which a custody determination is one of several issues, such as an action for divorce or separation, and includes child neglect and dependency proceedings;

(4) "decree" or "custody decree" means a custody determination contained in a judicial decree or order made in a custody proceeding, and includes an initial decree and a modification decree;

(5) "home state" means the state in which the child immediately preceding the time involved lived with his parents, a parent, or a person acting as a parent, for at least six consecutive months, and in the case of a child less than six months old the state in which the child lived from birth with any of the persons mentioned. Periods of temporary absence of any of the named persons are counted as part of the six-month or other period;

(6) "initial decree" means the first custody decree concerning a particular child;

(7) "modification decree" means a custody decree which modifies or replaces a prior decree, whether made by the court which rendered the prior decree or by another court;

(8) "physical custody" means actual possession and control of a child;

(9) "person acting as a parent" means a person, other than a parent, who has physical custody of a child and who has either been awarded custody by a court or claims a right to custody; and

(10) "state" means any state, territory, or possession of the United States, the Commonwealth of Puerto Rico, and the District of Columbia.

Section 3. (a) A court of this state which is competent to decide child custody matters has jurisdiction to make a child custody determination by initial or modification decree if:

(1) this state (i) is the home state of the child at the time of commencement of the proceeding, or (ii) had been the child's home state within six months before commencement of the proceeding and the child is absent from this state because of his removal or retention by a person claiming his custody or for other reasons, and a parent or person acting as parent continues to live in this state, or

(2) it is in the best interest of the child that a court of this state assume jurisdiction because (i) the child and his parents, or the child and at least one contestant, have a significant connection with this state, and (ii) there is available in this state substantial evidence concerning the child's present or future care, protection, training, and personal relationships; or

(3) the child is physically present in this state and (i) the child has been abandoned or (ii) it is necessary in an emergency to protect the child because he has been subjected to or threatened with mistreatment or abuse or is otherwise neglected or dependent; or

(4) (i) it appears that no other state would have jurisdiction under prerequisites substantially in accordance with paragraphs (1), (2), or (3), or another state has declined to exercise jurisdiction on the ground that this state is the more appropriate forum to determine the custody of the child, and (ii) it is in the best interest of the child that this court assume jurisdiction.

(b) Except under paragraphs (3) and (4) of subsection (a), physical presence in this state of the child, or of the child and one of the contestants, is not alone sufficient to confer jurisdiction on a court of this state to make a child custody determination.

(c) Physical presence of the child, while desirable, is not a prerequisite for jurisdiction to determine his custody.

Section 4. Notice and Opportunity to be Heard.

Before making a decree under this act, reasonable notice and opportunity to be heard shall be given to the contestants, any parent whose parental rights have not been previously terminated, and any person who has physical custody of the child. If any of these persons is outside this state, notice and opportunity to be heard shall be given pursuant to section 5.

Section 5. Notice to Persons Outside this State; Submission to Jurisdiction.

(a) Notice required for the exercise of jurisdiction over a person outside this state shall be given in a manner reasonably calculated to give actual notice, and may be:

(1) by personal delivery outside this state in the manner prescribed for service of process within this state;

(2) in the manner prescribed by the law of the place in which the service is made for service of process in that place in an action in any of its courts of general jurisdiction;

(3) by any form of mail addressed to the person to be served and requesting a receipt; or

(4) as directed by the court including publication, if other means of notification are ineffective.

(b) Notice under this section shall be served, mailed, or delivered, or last published, at least 20 days before any hearing in this state.

(c) Proof of service outside this state may be made by affidavit of the individual who made the service, or in the manner prescribed by the law of this state, the order pursuant to which the service is made. If service is made by mail, proof may be a receipt signed by the addressee or other evidence of delivery to the addressee.

(d) Notice is not required if a person submits to the jurisdiction of the court.

Section 6. Simultaneous Proceedings in Other States.

(a) A court of this state shall not exercise its jurisdiction under this act if at the time of filing the petition a proceeding concerning the custody of the child was pending in a court of another state exercising jurisdiction substantially in conformity with this act, unless the proceeding is stayed by the court of the other state because this state is a more appropriate forum or for other reasons.

(b) Before hearing the petition in a custody proceeding the court shall examine the pleadings and other information supplied by the parties under section 9 and shall consult the child custody registry established under section 16 concerning the pendency of proceedings with respect to the child in other states. If the court has reason to believe that proceedings may be pending in another state it shall direct an inquiry to the state court administrator or other appropriate official of the other state.

(c) If the court is informed during the course of the proceeding that a proceeding concerning the custody of the child was pending in another state before the court assumed jurisdiction it shall stay the proceeding and communicate with the court in which the other proceeding is pending to the end that the issue may be litigated in the more appropriate forum and that information be

exchanged in accordance with sections 19 through 22. If a court of this state has made a custody decree before being informed of a pending proceeding in a court of another state it shall immediately inform that court of the fact. If the court is informed that a proceeding was commenced in another state after it assumed jurisdiction it shall likewise inform the other court to the end that the issues may be litigated in the more appropriate forum.

Section 7. Inconvenient Forum.

(a) A court which has jurisdiction under this act to make an initial or modification decree may decline to exercise its jurisdiction any time before making a decree if it finds that it is an inconvenient forum to make a custody determination under the circumstances of the case and that a court of another state is a more appropriate forum.

(b) A finding of inconvenient forum may be made upon the court's own motion or upon motion of a party or a guardian ad litem or other representative of the child.

(c) In determining if it is an inconvenient forum, the court shall consider if it is in the interest of the child that another state assume jurisdiction. For this purpose it may take into account the following factors, among others:

- (1) if another state is or recently was the child's home state;
- (2) if another state has a closer connection with the child and his family or with the child and one or more of the contestants;
- (3) if substantial evidence concerning the child's present or future care, protection, training, and personal relationships is more readily available in another state;
- (4) if the parties have agreed on another forum which is no less appropriate; and
- (5) if the exercise of jurisdiction by a court of this state would contravene any of the purposes stated in section 1.

(d) Before determining whether to decline or retain jurisdiction the court may communicate with a court of another state and exchange information pertinent to the assumption of jurisdiction by either court with a view to assuring that jurisdiction will be exercised by the more appropriate court and that a forum will be available to the parties.

(e) If the court finds that it is an inconvenient forum and that a court of another state is a more appropriate forum, it may dismiss the proceedings, or it may stay the proceedings upon condition that

a custody proceeding be promptly commenced in another named state or upon any other conditions which may be just and proper, including the condition that a moving party stipulate his consent and submission to the jurisdiction of the other forum.

(f) The court may decline to exercise its jurisdiction under this act if a custody determination is incidental to an action for divorce or another proceeding while retaining jurisdiction over the divorce or other proceeding.

(g) If it appears to the court that it is clearly an inappropriate forum it may require the party who commenced the proceedings to pay, in addition to the costs of the proceedings in this state, necessary travel and other expenses, including attorney's fees, incurred by other parties or their witnesses. Payment is to be made to the clerk of the court for remittance to the proper party.

(h) Upon dismissal or stay of proceedings under this section the court shall inform the court found to be the more appropriate forum of this fact or, if the court which would have jurisdiction in the other state is not certainly known, shall transmit the information to the court administrator or other appropriate official for forwarding to the appropriate court.

(i) Any communication received from another state informing this state of a finding of inconvenient forum because a court of this state is the more appropriate forum shall be filed in the custody registry of the appropriate court. Upon assuming jurisdiction the court of this state shall inform the original court of this fact.

Section 8. Jurisdiction Declined by Reason of Conduct.

(a) If the petitioner for an initial decree has wrongfully taken the child from another state or has engaged in similar reprehensible conduct the court may decline to exercise jurisdiction if this is just and proper under the circumstances.

(b) Unless required in the interest of the child, the court shall not exercise its jurisdiction to modify a custody decree of another state if the petitioner, without consent of the person entitled to custody, has improperly removed the child from the physical custody of the person entitled to custody or had improperly retained the child after a visit or other temporary relinquishment of physical custody. If the petitioner has violated any other provision of a custody decree of another state the court may decline to exercise its jurisdiction if this is just and proper under the circumstances.

(c) In appropriate cases a court dismissing a petition under this section may charge the petitioner with necessary travel and

other expenses, including attorneys' fees, incurred by other parties or their witnesses.

Section 9. Information Under Oath to be Submitted to the Court.

(a) Every party in a custody proceeding in his first pleading or in an affidavit attached to that pleading shall give information under oath as to the child's present address, the places where the child has lived within the last five years, and the names and present addresses of the persons with whom the child has lived during that period. In this pleading or affidavit every party shall further declare under oath whether:

(1) he has participated (as a party, witness, or in any other capacity) in any other litigation concerning the custody of the same child in this or any other state;

(2) he has information of any custody proceeding concerning the child pending in a court of this or any other state; and

(3) he knows of any person not a party to the proceedings who has physical custody of the child or claims to have custody or visitation rights with respect to the child.

(b) If the declaration as to any of the above items is in the affirmative the declarant shall give additional information under oath as required by the court. The court may examine the parties under oath as to details of the information furnished and as to other matters pertinent to the court's jurisdiction and the disposition of the case.

(c) Each party has a continuing duty to inform the court of any custody proceeding concerning the child in this or any other state of which he obtained information during this proceeding.

Section 10. Additional Parties.

If the court learns from information furnished by the parties pursuant to section 9 or from other sources that a person not a party to the custody proceeding has physical custody of the child or claims to have custody or visitation rights with respect to the child, it shall order that person to be joined as a party and to be duly notified of the pendency of the proceeding and of his joinder as a party. If the person joined as a party is outside this state he shall be served with process or otherwise notified in accordance with section 5.

Section 11. Appearance of Parties and the Child.

(a) The court may order any party to the proceeding who is in this state to appear personally before the court. If that party has

physical custody of the child the court may order that he appear personally with the child.

(b) If a party to the proceeding whose presence is desired by the court is outside this state with or without the child the court may order that the notice given under section 5 include a statement directing that party to appear personally with or without the child and declaring that failure to appear may result in a decision adverse to that party.

(c) If a party to the proceeding who is outside this state is directed to appear under subsection (b) or desires to appear personally before the court with or without the child, the court may require another party to pay to the clerk of the court travel and other necessary expenses of the party so appearing and of the child if this is just and proper under the circumstances.

Section 12. Binding Force and Res Judicata Effect of a Custody Decree.

A custody decree rendered by a court of this state which had jurisdiction under section 3 binds all parties who have been served in this state or notified in accordance with section 5 or who have been submitted to the jurisdiction of the court, and who have been given an opportunity to be heard. As to these parties the custody decree is conclusive as to all issues of law and fact decided and as to the custody determination made unless and until that determination is modified pursuant to law, including the provisions of this act.

Section 13. Recognition of Out-of-State Custody Decrees.

The courts of this state shall recognize and enforce an initial or modification decree of a court of another state which had assumed jurisdiction under statutory provisions substantially in accordance with this act or which was made under factual circumstances meeting the jurisdictional standards of the act, so long as this decree has not been modified in accordance with jurisdictional standards substantially similar to those of this act.

Section 14. Modification of Custody Decree of Another State.

(a) If a court of another state has made a custody decree, a court of this state shall not modify that decree unless (1) it appears to the court of this state that the court which rendered the decree does not now have jurisdiction under jurisdictional prerequisites substantially in accordance with this act or has declined to assume jurisdiction to modify the decree and (2) the court of this state had jurisdiction.

(b) If a court of this state is authorized under subsection (a) and section 8 to modify a custody decree of another state it shall give due consideration to the transcript of the record and other documents of all previous proceedings submitted to it in accordance with section 22.

Section 15. Filing and Enforcement of Custody Decree of Another State.

(a) A certified copy of a custody decree of another state may be filed in the office of the clerk of any family or domestic relations court of any judicial circuit of this state. The clerk shall treat the decree in the same manner as a custody decree of the family or domestic relations court of any judicial circuit of this state. A custody decree so filed has the same effect and shall be enforced in like manner as a custody decree rendered by a court of this state.

(b) A person violating a custody decree of another state which makes it necessary to enforce the decree in this state may be required to pay necessary travel and other expenses, including attorneys' fees, incurred by the party entitled to the custody or his witnesses.

Section 16. Registry of Out-of-State Custody Decrees and Proceedings.

The clerk of each family or domestic relations shall maintain a registry in which he shall enter the following:

(1) certified copies of custody decrees of other states received for filing;

(2) communications as to the pendency of custody proceedings in other states;

(3) communications concerning a finding of inconvenient forum by a court of another state; and

(4) other communications or documents concerning custody proceedings in another state which may affect the jurisdiction of a court of this state or the disposition to be made by it in a custody proceeding.

Section 17. Certified Copies of Custody Decree.

The clerk of the family or domestic relations court of this state, at the request of the court of another state or at the request of any person who is affected by or has a legitimate interest in a custody decree, shall certify and forward a copy of the decree to that court or person.

Section 18. Taking Testimony in Another State.

In addition to other procedural devices available to a party, any party to the proceeding or a guardian ad litem or other representative of the child may adduce testimony of witnesses, including parties and the child, by deposition or otherwise, in another state. The court on its own motion may direct that the testimony of a person be taken in another state and may prescribe the manner in which and the terms upon which the testimony shall be taken.

Section 19. Hearings and Studies in Another State; Orders to Appear.

(a) A court of this state may request the appropriate court of another state to hold a hearing to adduce evidence, to order a party to produce or give evidence under other procedures of that state, or to have social studies made with respect to the custody of a child involved in proceedings pending in the court of this state; and to forward to the court of this state certified copies of the transcript of the record of the hearing, the evidence otherwise adduced, or any social studies prepared in compliance with the request. The cost of the services may be assessed against the parties or, if necessary, ordered paid by the state.

(b) A court of this state may request the appropriate court of another state to order a party to custody proceedings pending in the court of this state to appear in the proceedings, and if that party has physical custody of the child, to appear with the child. The request may state that travel and other necessary expenses of the party and of the child whose appearance is desired will be assessed against another party or will otherwise be paid.

Section 20. Assistance to Courts of Other States.

(a) Upon request of the court of another state the courts of this state which are competent to hear custody matters may order a person in this state to appear at a hearing to adduce evidence or to produce or give evidence under other procedures available in this state. A certified copy of the transcript of the record of the hearing or the evidence otherwise adduced shall be forwarded by the clerk of the court to the requesting court.

(b) A person within this state may voluntarily give his testimony or statement in this state for use in a custody proceeding outside this state.

(c) Upon request of the court of another state a competent court of this state may order a person in this state to appear alone or with

the child in a custody proceeding in another state. The court may condition compliance with the request upon assurance by the other state that state travel and other necessary expenses will be advanced or reimbursed.

Section 21. Preservation of Documents for Use in Other States.

In any custody proceeding in this state the court shall preserve the pleadings, orders and decrees, any record that has been made of its hearings, social studies, and other pertinent documents until the child reaches 18 years of age. Upon appropriate request of the court of another state the court shall forward to the other court certified copies of any or all of such documents.

Section 22. Request for Court Records of Another State.

If a custody decree has been rendered in another state concerning a child involved in a custody proceeding pending in a court of this state, the court of this state upon taking jurisdiction of the case shall request of the court of the other state a certified copy of the transcript of any court record and other documents mentioned in section 21.

Section 23. International Application.

The general policies of this act extend to the international area. The provisions of this act relating to the recognition and enforcement of custody decrees of other states apply to custody decrees and decrees involving legal institutions similar in nature to custody institutions rendered by appropriate authorities of other nations if reasonable notice and opportunity to be heard were given to all affected persons.

Section 24. Priority.

Upon the request of a party to a custody proceeding which raises a question of existence or exercise of jurisdiction under this act the case shall be given calendar priority and handled expeditiously.

Section 25. Short Title.

This act may be cited as the Uniform Child Custody Jurisdiction Act.

Section 26. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 27. All laws or parts of laws which conflict with this act are hereby repealed.

Section 28. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 20, 1980

Time: 5:10 P.M.

Act No. 80-93

S. 86—Martin

AN ACT

To amend Sections 11-46-92, 11-46-96, 11-46-97, 11-46-107, 11-46-116, 11-46-117, and 11-46-126, Code of Alabama, 1975, as amended so as to change and set new dates for municipal elections conducted under the provisions of Article 3, Chapter 46 of Title 11, Code of Alabama, 1975; to effect certain date changes to meet the requirements and procedures necessitated or made desirable by the new election dates.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11-46-92, Code of Alabama, 1975 is hereby amended to read as follows:

“§11-46-92. Time of holding regular, special or runoff elections; assumption of duties by officers elected.

(a) The regular municipal elections in such cities and towns shall be held on the second Tuesday in July of each year in which the term of office of a commissioner shall expire, and when necessary as provided in subsection (b) of section 11-46-126 a second or runoff election shall be held on the third Tuesday next thereafter following said regular election.

(b) Special elections shall be held on the second or fourth Tuesday of any month when ordered by the municipal governing body; provided, that notice of any such election was published in the manner prescribed in section 11-46-93, on or before the corresponding Tuesday of the second month preceding the month in which the election is held.

(c) Commissioners elected at regular elections shall assume the duties of their offices on the first Monday in October following their election unless otherwise provided in this article.”

Section 2. Section 11-46-96, Code of Alabama, 1975, as amended, is hereby further amended to read as follows:

“§11-46-96. Ballots; statements of candidacy.

(a) In all municipal elections on any subject which may be submitted by law to a vote of the people of the municipality and for

commissioners, if paper ballots are used the voting shall be by official ballot printed and distributed as provided in subsections (c) and (d) and no ballot shall be received or counted in any election unless it is provided as prescribed by law.

(b) There shall be but one form of ballot for all the candidates for the board of commissioners, and every ballot provided for use at any polling place in a municipal election shall contain the names of all candidates for any position to be filled at such election which have been duly made and not withdrawn, as provided in subsection (g) of this section, together with the number of the position for which they are candidates.

(c) All ballots shall be printed in black ink on clear book paper. At the bottom of each ballot and at a point an equal distance from the sides thereof there shall be printed a one-inch square in which the number of the ballot shall be placed by the inspector when the ballot is cast. The arrangement of the ballot shall in general conform substantially to the plan given in subsection (f) of this section.

(d) Ballots shall be fastened together in convenient numbers in books or blocks in such manner that each ballot may be detached and removed separately and each ballot shall have attached to it a stub of sufficient size to enable one of the inspectors to write or stamp his name or initials thereon and so attached to the ballot that when the same is folded the stub can be detached therefrom without injury to the ballot or exposing the contents thereof.

(e) Absentee ballots shall be in the form prescribed for absentee ballots by Title 17 of this Code.

(f) The ballot shall be arranged in substantially the following form:

For Commissioner No. 1
(Vote for one)

() John Doe
() Richard Roe
() James Jones
() etc.

For Commissioner No. 2
Vote for One

- () Sam Johnson
() William Barnes
() etc.
-

For Commissioner No. 3
(Vote for one)

- () J. W. Smith
() Carl Williams
() etc.
-

(g) The mayor or other chief executive officer of the municipality shall cause to be printed on the ballots the name of any qualified elector who has, by 5:00 P.M. on the first Tuesday in June preceding the date set for the election, filed a statement of candidacy accompanied by an affidavit taken and certified by an officer authorized to take acknowledgments in this state that such person is duly qualified to hold the office for which he desires to become a candidate. Such statement shall be substantially in the following form: "State of Alabama, ... County. I, the undersigned, being first duly sworn, depose and say that I am a citizen of the city (or town) of, in said county, and reside at in said city (or town); that I have been or will have been on the date of the municipal election a resident of said city (or town) for a period of not less than 90 days; that I desire to become a candidate for Place No. ... on the Board of Commissioners of said city (or town) for the term of years at the election of such office to be held on the day of, 19.....; that I am duly qualified or will be so qualified to hold said office if elected thereto and I hereby request that my name be printed upon the official ballot at said election. (signed) Subscribed and sworn to before me by said on this the day of, 19..... (Style of officer)."

(h) No name shall be printed upon the ballot as a candidate for election except the names of such persons as become candidates in the manner prescribed in subsection (g) of this section nor may any person be a candidate or be permitted to file his declaration for

more than one place or position on the board of commissioner.

(i) All statements of candidacy filed with the mayor or other chief executive officer of the city or town within the time prescribed in subsection (g) of this section shall be preserved for six months after the election for which such statements of candidacy were filed."

Section 3. Section 11-46-97, Code of Alabama, 1975, as amended, is hereby further amended to read as follows:

"§11-46-97. Proceedings where only one candidate for office.

In the event only one person has filed a statement of candidacy for an office by 5:00 P.M., on the first Tuesday in June preceding the date set for an election of municipal officers pursuant to subsection (g) of section 11-46-96, then such person shall for all purposes be deemed elected to such office, any provisions of this article to the contrary notwithstanding. The mayor or other chief executive officer shall not cause the name of such person or the office for which his candidacy was declared to be printed on the ballot, but he shall immediately file a written statement with the governing body of the municipality, attested by the clerk, certifying the fact that only one person filed a statement of candidacy for the office of (naming the office) by 5:00 P.M. on the first Tuesday in June preceding the day of, 19...., the date set for an election of municipal officer in the city (town) of, Alabama, and setting forth the name of such person. Immediately upon receiving such statement the governing body of the municipality shall adopt a resolution declaring the person named in the statement duly elected to the office described in the statement and shall issue a certificate to such person and such person shall be deemed officially elected to the said office as of the date of such certificate."

Section 4. Section 11-46-107, Code of Alabama, 1975, as amended, is hereby further amended to read as follows:

"§11-46-107. Preparation, certification, filing and publication of lists of qualified regular and absentee voters.

(a) The mayor or other chief executive officer of the city or town shall cause to be made a list of the qualified voters who reside within corporate limits of such city or town and who are registered to vote regular ballots, dividing the same into separate alphabetical lists of the qualified voters of each ward where such city or town has been divided into wards and all qualified voters thereof vote at one box or voting machine or dividing such list into separate alphabetical lists of voters authorized to vote at each respective box

or voting machine if the list of qualified voters has been divided alphabetically and each alphabetical group assigned a box or machine at which to vote. He shall have such lists compared with the official list of electors qualified to vote during the current year on file in the probate office of the county in which the municipality is situated, and shall certify on each list prepared pursuant to this section that it is a correct list of the voters who are qualified to vote regular ballots in the municipality, ward, ballot box or voting machine to which it appertains. He shall have full access to all registration lists of the county for this purpose. A copy of each list so prepared shall be filed with the municipal clerk, who shall file and retain each such list as a public record in his office, on or before the first Tuesday in June preceding a regular municipal election. The clerk shall prepare a copy of the list of qualified voters authorized to vote at each of the respective polling places in the municipality and, prior to the opening of the polls on election day, he shall furnish to the inspectors, or one of them, of each ballot box or voting machine at each polling place a copy of the list of qualified voters authorized to vote at the box or voting machine for which he was appointed an inspector. The clerk shall also publish the list of qualified voters authorized to vote at the ensuing election at least five days prior to the election, either by publication in a newspaper of general circulation in the municipality or by posting copies thereof in at least three public places in the municipality, as directed by the municipal governing body.

(b) The mayor or other chief executive officer of the city or town shall also cause to be made a list of the qualified voters who reside within the corporate limits of such city or town and who are registered to vote absentee ballots. For this purpose he shall have full access to the absentee voter registration records of the county. Upon completion of such list he shall certify thereon that it is a correct list of the voters of the municipality who are eligible to vote absentee ballots in said election and that the list was prepared pursuant to this subsection. This list shall be prepared and filed with the municipal clerk on or the first Tuesday in June preceding a regular municipal election, and it shall be filed by the clerk as a public record in his office. The clerk shall publish this list on or before the second Tuesday in June by posting copies thereof in three public places in the municipality."

Section 5. Section 11-46-116, Code of Alabama, 1975, is hereby amended to read as follows:

"§11-46-116. Preparation of statements of vote; certification, sealing and delivery of statements and poll lists; packaging of ballots; sealing and delivery of ballot boxes.

(a) At elections where paper ballots are used, as soon as the ballots are all counted, the inspectors must ascertain the number of votes received for each person and for what office and must make a statement of same in writing. Each of the inspectors must sign this statement and must also certify in writing on the sealed envelope containing the poll list signed by the electors that such poll list is the poll list of the election ward at which they were inspectors, the day and year on which such election was held, and for what offices. The statement of the vote and the poll list thus certified, together with a list of the registered electors qualified to vote in such ward at such election on such day, must be sealed up in an envelope furnished along with the other election supplies and addressed to the municipal governing body. Each of the inspectors shall write his name across every fold at which the envelope when fastened could be opened, and such envelope shall be delivered immediately to the returning officer of the ward, who shall deliver it to the municipal clerk along with the ballot box.

(b) As soon as the ballots contained in a ballot box have been counted and the statement of the vote prepared as directed in subsection (a) of this section, the inspectors shall roll up the ballots so counted, seal the bundle thereof and label the same so as to show for what officer or officers the ballots contained therein were received. The rejected ballots, if any, shall also be rolled up, the package thereof labelled as rejected ballots and sealed up as the other parcel of ballots. These sealed packages, together with the sealed poll list made by one of the clerks and the oaths relative to challenged voters, shall be returned by the inspectors to the ballot box from which the ballots were taken and the ballot box shall be securely sealed and labelled so as to show the nature of its contents. The inspectors shall also attach to the outside of the box a slip of paper or other device showing the total votes received by each candidate voted for in such election.

(c) The envelope containing the statement of the votes prepared pursuant to subsection (a) of this section, and the sealed ballot box shall be delivered to the returning officer of the ward who shall immediately and in any event not later than 11:00 A.M. on the next day after the polls have closed deliver them to the municipal clerk, who shall thereupon give such returning officer his receipt stating therein the condition of the box when received."

Section 6. Section 11-46-117, Code of Alabama, 1975, is hereby amended to read as follows:

"§11-46-117. Delivery of returns, etc., to governing body; retention and destruction of ballot boxes generally; when ballot boxes may be opened.

(a) At the time appointed by the board of commissioners to canvass the returns of the election (which must not be later than 12:00 noon on Wednesday following the election) the municipal clerk shall deliver to such governing body the envelopes addressed to such board which were delivered to him by the returning officers of the several wards in the city or town immediately after the votes had been counted and the returns thereof prepared.

(b) The clerk shall securely keep the ballot boxes until it is known that there will be no contest, but in any event not less than six months, and if in that time no contest has been properly instituted, the clerk shall then destroy the contents of such boxes without examining the same.

(c) No ballot box shall be opened except in one or the other of the following events:

(1) In the event of a contest, where the opening of a box has been ordered by the court hearing the contest, in which event the ballot box shall be opened by or under the supervision of the judge of such court and in the manner prescribed by him; and

(2) For the purpose of canvassing the returns and obtaining the result of the election in a particular ward or voting district from the contents of the box when such box has been returned, but no certificate of the result of the election has been separately delivered to the municipal governing body by the election inspectors.

If a box is opened for this latter purpose the certificate of result contained therein, if any, and if no certificate of result is enclosed then any other of the contents of the box, so far as necessary, may be used to determine the result of the election, after which the papers shall be returned into the box and the box shall be resealed in the presence of the municipal governing body and the box shall then be retained without again opening it for the time prescribed in subsection (b) of this section."

Section 7. Section 11-46-126, Code of Alabama, 1975, is hereby amended to read as follows:

"§11-46-126. Canvassing of returns, declaration of election result and issuance of certificate of election by board of commissioners; runoff elections.

(a) Not later than 12:00 noon on Wednesday after the election as required in this article the board of commissioners shall proceed to open the envelopes addressed to such governing body which have

been delivered by the several returning officers to the municipal clerk, canvass the returns and ascertain and determine the number of votes received by each candidate and for against each proposition submitted at such election. If it appears that any candidate or any proposition in such election has received a majority of the votes cast for that office or on that question the board of commissioners shall declare said candidate elected to such office or said question carried and a certificate of election shall be given to such persons by the board of commissioners or a majority of them, which shall entitle the persons so certified to the possession of their respective offices immediately upon the expiration of the terms of their predecessors as provided by law.

(b) If no candidate receives a majority of all the votes cast in such election for an office for election to which there were more than two candidates, then the board of commissioners shall order a second or 'runoff' election to be held not later than the third Tuesday next thereafter following said regular election, at which election the two candidates having received the most and the second most votes, respectively, shall be candidates and the person receiving the highest number of votes for that office in the runoff election shall be declared elected. In the event one of the candidates for a particular office in the runoff election withdraws, then there need not be a second election to fill such office nor shall the name of the party so withdrawing be printed on the ballot of any second election held under the provisions of this article. The second election shall be held by the same election officers who held the first election and at the same places the first election was held. If there should be a tie vote cast at any such runoff election then in such event the tie shall be decided by the board of commissioners. The municipal clerk shall file a copy of each certificate of election in the office of the judge of probate of the county in which the city or town is situated and the judge shall file such certificate in the same manner that he files the declaration of the result of the elections to county offices."

Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 10. This Act shall be effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 20, 1980

Time: 5:10 P.M.

AN ACT

To amend Sections 11-46-21, 11-46-22, 11-46-25, 11-46-26, 11-46-36, 11-46-45, 11-46-46 and 11-46-55, Code of Alabama, 1975, as amended, so as to change and set new dates for municipal elections conducted under the provisions of Article 2, Chapter 46 of Title 11, Code of Alabama, 1975; to change requirements for notice of such elections; and to effect certain date changes to meet the requirements and procedures necessitated by the new election dates; and to validate and ratify the salary of mayors and councilmen prescribed prior to February 12, 1980.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11-46-21, Code of Alabama, 1975, is hereby amended to read as follows:

“§11-46-21. Time of holding regular, special and runoff elections; assumption of duties by officers elected.

(a) The regular municipal elections in cities and towns shall be held on the second Tuesday in July 1980, and quadrennially thereafter; and, when necessary as provided in subsection (d) of section 11-46-55, a second or runoff election shall be held on the third Tuesday next thereafter following said regular election.

(b) Special elections shall be held on the second or fourth Tuesday of any month when ordered by the municipal governing body; provided, that notice of such election shall be published in the manner prescribed in section 11-46-22 on or before the corresponding Tuesday of the second month preceding the month in which the special election is to be held.

(c) Municipal officers elected at regular elections shall assume the duties of their respective offices on the first Monday in October following their election unless otherwise provided in this article.”

Section 2. Section 11-46-22, Code of Alabama, 1975, as amended, is hereby further amended to read as follows:

“§11-46-22. Notice of Elections.

(a) It shall be the duty of the mayor to give notice of all municipal elections publishing notice thereof in a newspaper published in the city or town, and, if no newspaper is published in such city or town, then by posting notices thereof in three public places in the city or town. When the notice is of a regular election, such notice shall be published no earlier than the second Tuesday and no later than the third Tuesday in May preceding the election. When the notice is of a special election to be held on the second Tuesday in a month, such notice shall be published on or before the

second Tuesday of the second month preceding the month in which the election will be held, except where otherwise provided by law. When the notice is of a special election to be held on the fourth Tuesday of a month, such notice shall be published on or before the fourth Tuesday of the second month preceding the month in which the election will be held, except where otherwise provided by law. Whenever and wherever two or more municipal offices of the same name (constituting a group) are to be filled at the regular election, prior to the first day of March preceding the election, the municipal governing body shall by ordinance designate each of such offices by number. When such offices have been so designated by number, the notice of the election shall clearly indicate that such offices have been so numbered and each candidate for any such offices, in the announcement of his candidacy, shall designate the number of the office for which he is a candidate.

(b) The notice of an election for municipal officers shall be substantially in the following form:

“Notice of Election of Municipal Officers.

“Notice is hereby given on (day of week), (date — month, day and year) an election for the purpose of electing a mayor (or other chief executive) and board of aldermen (town or city council or other municipal governing body, or, if the positions on such governing board have been designated by number, the position numbers to be filled at such election) and such other officers as pursuant to duly enacted law or ordinance, or any or all of such officers, are to be elected at such election for the city (or town) of , Alabama, will be held, and that all registered and qualified electors of the state, who reside within the corporate limits of , Alabama, and have resided therein for 30 days or more immediately preceding the date of such election, will be authorized to participate in said election.

“The Polls will be opened at (here list the places of voting which have been designated pursuant to section 11-46-24).”

Section 3. Section 11-46-25, Code of Alabama, 1975, as amended, is hereby further amended to read as follows:

“§11-46-25. Ballots; statements of candidacy.

(a) In all municipal elections on any subject which may be submitted by law to a vote of the people of the municipality and for any municipal officers, if paper ballots are used, the voting shall be by official ballot printed and distributed as provided in subsections (c) and (d) of this section, and no ballot shall be received or counted in any election unless it is provided as prescribed by law.

(b) There shall be but one form of ballot for all the candidates for municipal office, and every ballot provided for use at any polling place in a municipal election shall contain the names of all candidates who have properly qualified and have not withdrawn, as provided in subsection (g) of this section, together with the title of the office for which they are candidates.

(c) All ballots shall be printed in black ink on clear book paper. At the bottom of each ballot and at a point an equal distance from the sides thereof there shall be printed a one-inch square in which the number of the ballot shall be placed by the inspector when the ballot is cast. The arrangement of the ballot shall in general conform substantially to the plan given in subsection (f) of this section.

(d) Ballots shall be fastened together in convenient numbers in books or blocks in such manner that each ballot may be detached and removed separately, and each ballot shall have attached to it a stub of sufficient size to enable one of the inspectors to write or stamp his name or initials thereon and so attached to the ballot that when the same is folded the stub can be detached therefrom without injury to the ballot or exposing the contents thereof.

(e) Absentee ballots shall be in the form prescribed for absentee ballots by Title 17 of this Code.

(f) The ballot shall be arranged in substantially the following form:

For Mayor
Vote for One

() John Doe
() Richard Roe

For City Council Place Number One

()
()

For City Council Place Number Two

()
()

Etc.

(g) The mayor shall cause to be printed on the ballots the name of any qualified elector who has, by 5:00 P.M. on the first Tuesday in June preceding the date set for the election, filed a statement of candidacy, accompanied by an affidavit taken and certified by an officer authorized to take acknowledgments in this state that such person is duly qualified to hold the office for which he desires to become a candidate. Such statement shall be substantially in the following form:

“State of Alabama, ... County. I, the undersigned, being first duly sworn, depose and say that I am a citizen of the city (or town) of, in said county, and reside at, in said city (or town); that I have been or will have been on the date of the municipal election a resident of said city (or town) for a period of not less than 90 days; that I desire to become a candidate for the office of in said city (or town) for the term of years at the election for such office to be held on the day of, 19.....; that I am duly qualified or will be so qualified to hold said office if elected thereto and I hereby request that my name be printed upon the official ballot at said election.

“(Signed)

“Subscribed and sworn to before me by said on this day of, 19.....

“(Style of officer)”

(h) No names shall be printed upon the ballot as candidates for election except the names of such persons as become candidates in the manner prescribed in subsection (g) of this section nor may any person be a candidate or be permitted to file his declaration for more than one place or position in a group of offices of the same name when such offices have been designated by number as authorized in section 11-46-22.

(i) All statements of candidacy filed with the mayor within the time prescribed in subsection (g) of this section shall be preserved for six months after the election for which such statements of candidacy were filed.”

Section 4. Section 11-46-26, Code of Alabama, 1975, is hereby amended to read as follows:

“§11-46-26. Proceedings where only one candidate or nominee for office.

In the event only one person has filed a statement of candidacy for an office by 5:00 P.M. on the first Tuesday in June preceding the date set for an election of municipal officers pursuant to subsection (g) of section 11-46-25, then such person shall for all purposes be deemed elected to such office, any provisions of this article to the contrary notwithstanding. The mayor or other chief executive officer shall not cause the name of such person or the office for which his candidacy was declared to be printed on the ballot, but he shall immediately file a written statement with the governing body of the municipality, attested by the clerk, certifying the fact that only one person filed a statement of candidacy for the office of (naming the office) by 5:00 P.M. on the first Tuesday in June preceding the day of, 19....., the date set for an election of municipal officers in the city (town) of, Alabama, and setting forth the name of such person. At its first regular meeting after receiving such statement the governing body of the municipality shall adopt a resolution declaring the person named in the statement duly elected to the office described in the statement and shall issue a certificate of election to such person. For the purpose of this article, each place on the council of a municipality organized under the mayor-council form of government shall be considered a separate office.”

Section 5. Section 11-46-36, Code of Alabama, 1975, as amended, is hereby further amended to read as follows:

“§11-46-36. Preparation, certification, filing and publication of lists of qualified regular and absentee voters.

(a) The mayor or other chief executive officer of the city or town shall cause to be made a list of the qualified voters who reside within the corporate limits of such city or town and who are registered to vote regular ballots, dividing the same into separate alphabetical lists of the qualified voters of each ward where such city or town has been divided into wards and all qualified voters thereof vote at one box or voting machine or dividing such list into separate alphabetical lists of voters authorized to vote at each respective box or voting machine if the list of qualified voters has been divided alphabetically and each alphabetical group assigned a box or machine at which to vote. He shall have such lists compared with the official list of electors qualified to vote during the current year on file in the probate office of the county in which the municipality is situated and shall certify on each list prepared pursuant to this section that it is a correct list of the voters who are qualified to vote regular ballots in the municipality, ward, ballot

box or voting machine to which it appertains. He shall have full access to all registration lists of the county for this purpose. A copy of each list so prepared shall be filed with the municipal clerk, who shall file and retain each such list as a public record in his office, on or before the first Tuesday in June before a regular municipal election. The clerk shall prepare a copy of the list of qualified voters authorized to vote at each of the respective polling places in the municipality, and, prior to the opening of the polls on election day, he shall furnish to the inspectors, or one of them, of each ballot box or voting machine at each polling place a copy of the list of qualified voters authorized to vote at the box or voting machine for which he was appointed an inspector. The clerk shall also publish the list of qualified voters authorized to vote at the ensuing election at least five days prior to the election by posting copies thereof in at least three public places in the municipality.

(b) The mayor or other chief executive officer of the city or town shall also cause to be made a list of the qualified voters who reside within the corporate limits of such city or town and who are registered to vote absentee ballots. For this purpose he shall have full access to the absentee voter registration records of the county. Upon completion of such list he shall certify thereon that it is a correct list of the voters of the municipality who are eligible to vote absentee ballots in said election and that the list was prepared pursuant to this subsection. This list shall be prepared and filed with the municipal clerk on or before the first Tuesday in June before a regular municipal election, and it shall be filed by the clerk as a public record in his office. The clerk shall publish this list on or before the second Tuesday in June before the regular municipal election by posting copies thereof in three public places in the municipality."

Section 6. Section 11-46-45, Code of Alabama, 1975, is hereby amended to read as follows:

"§11-46-45. Preparation of statements of vote; certification, sealing and deliver of statements and poll lists; packaging of ballots; sealing and delivery of ballot boxes.

(a) At elections where paper ballots are used, as soon as the ballots are all counted, the inspectors must ascertain the number of votes received for each person and for what office and must make a statement of same in writing. Each of the inspectors must sign this statement and must also certify in writing on the sealed envelope containing the poll list signed by the electors that such poll list is the poll list of the election in the ward or voting place at which they were inspectors, the day and year on which such election was held and for what offices. The statement of the vote and the poll list thus certified, together with a list of the registered electors qualified to

vote at such voting place at such election on such day must be sealed up in an envelope furnished along with the other election supplies and addressed to the municipal governing body. Each of the inspectors shall write his name across every fold at which the envelope when fastened could be opened, and such envelope shall be delivered immediately to the returning officer of the ward, who shall deliver it to the municipal clerk along with the ballot box within the time prescribed in subsection (c) of this section.

(b) As soon as the ballots contained in a ballot box have been counted and the statement of the vote prepared as directed in subsection (a) of this section, the inspectors shall roll up the ballots so counted, seal the bundle thereof and label the same as to show for what officer or officers the ballots contained therein were received. The rejected ballots, if any, shall also be rolled up, the package thereof labelled as rejected ballots and sealed up as the other parcel of ballots. These sealed packages, together with the sealed poll list made by one of the clerks and the oaths relative to challenged voters shall be returned by the inspectors to the ballot box from which the ballots were taken and the ballot box shall be securely sealed and labelled so as to show the nature of its contents. The inspectors shall also attach to the outside of the box a slip of paper or other device showing the total votes received by each candidate voted for in such election.

(c) The envelope containing the statement of the votes prepared pursuant to subsection (a) of this section and the sealed ballot box shall be delivered to the returning officer of the ward who shall immediately and in any event not later than 11:00 A.M. of the next day after the polls have closed deliver them to the municipal clerk, who shall thereupon give such returning officer his receipt stating therein the condition of the box when received."

Section 7. Section 11-46-46, Code of Alabama, 1975, is hereby amended to read as follows:

"§11-46-46. Delivery of returns, etc., to governing body; retention and destruction of ballot boxes generally when ballot boxes may be opened.

(a) At the time appointed by the municipal governing body to canvass the returns of the election (which must be not later than 12:00 noon on Wednesday following the election) the municipal clerk shall deliver to such governing body the envelopes addressed to such governing body, which were delivered to him by the returning officers of the several wards in the city or town immediately after the votes had been counted and the returns thereof prepared.

(b) The clerk shall securely keep the ballot boxes until it is known that there will be no contest, but in any event not less than six months, and, if in that time no contest has been properly instituted, the clerk shall then destroy the contents of such boxes without examining the same.

(c) No ballot box shall be opened except in one or the other of the following events:

(1) In the event of a contest, where the opening of the box has been ordered by the court hearing the contest, in which event the ballot box shall be opened by or under the supervision of the judge of such court and in the manner prescribed by him; and

(2) For the purpose of canvassing the returns and obtaining the result of the election in a particular ward or voting district from the contents of the box when such box has been returned but no certificate of the result of the election has been separately delivered to the municipal governing body by the election inspectors. If a box is opened for this latter purpose the certificate of result contained therein, if any, and if no certificate of result is enclosed, then any other of the contents of the box, so far as necessary, may be used to determine the result of the election, after which the papers shall be returned into the box and the box shall be resealed in the presence of the municipal governing body, and the box shall then be retained without again opening it for the time prescribed in subsection (b) of this section."

Section 8. Section 11-46-55, Code of Alabama, 1975, is hereby amended to read as follows:

"§11-46-55. Canvassing the returns, declaration of election result and issuance of certificate of election by governing body; determination of majority vote; runoff elections.

(a) Not later than 12:00 noon on Wednesday after the election as required in this article the municipal governing body shall proceed to open the envelopes addressed to such governing body which have been delivered by the several returning officers to the municipal clerk, canvass the returns and ascertain and determine the number of votes received by each candidate and for and against each proposition submitted at such election. If it appears that any candidate or any proposition in such election has received a majority of the votes cast for that office or on that question, the municipal governing body shall declare said candidate elected to such office or said question carried, and a certificate of election shall be given to such persons by the municipal governing body or a majority of them, which shall entitle the persons so certified to the

possession of their respective offices immediately upon the expiration of the terms of their predecessors as provided by law.

(b) If a single office is to be filled at the election and there is more than one candidate therefor, then the majority of the votes cast for said office in such election shall be ascertained by dividing the total votes cast for all candidates for said office by two, and any number of votes in excess of one half of such total votes cast for all candidates for such office shall be a majority within the meaning of subsection (a) of this section.

(c) If two or more offices constituting a group are to be filled and there are more candidates for election than there are such offices, then the majority of the votes cast for said office in such election shall be ascertained by dividing the total vote cast for all candidates for such offices by the number of positions to be filled and then dividing the result by two. Any number of votes in excess of the number ascertained by such last division shall be the majority prescribed in subsection (a) of this section as necessary for election. If in ascertaining the result in this way it appears that more candidates have obtained this majority than there are positions to be filled, then those having the highest vote, if beyond the majority just defined, shall be declared elected to fill such positions.

(d) If no candidate receives a majority of all the votes cast in such election for any one office or offices for the election to which there are more than two candidates, then the municipal governing body shall order a second or "runoff" election to be held on the third Tuesday next thereafter following said regular election, at which election the two candidates having received the most and the second most votes, respectively, shall be candidates, and the person receiving the highest number of votes for that office in the runoff election shall be declared elected. In the event one of the candidates for a particular office in the runoff election withdraws, then there need not be a second election to fill such office nor shall the name of either the party so withdrawing or the remaining candidate be printed on the ballot of any second election held under the provisions of this article. This second election shall be held by the same election officers who held the first election and at the same places the first election was held. If there should be a tie vote cast at any such runoff election, then in such event the tie shall be decided by the municipal governing body. A vote for a particular candidate by a majority of the total membership of the governing body shall be necessary to decide the election in his favor. The municipal clerk shall file a copy of each certificate of election in the office of the judge of probate of the county in which the city or town is situated,

and the judge shall file such certificate in the same manner that he files the declaration of the result of elections to county offices.”

Section 9. The salary of any mayor or councilman prescribed prior to February 12, 1980 by the council of the municipality in which they serve is hereby validated and ratified.

Section 10. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 12. This Act shall be effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 20, 1980

Time: 5:10 P.M.

Act No. 80-95

S.J.R. 57—Callahan

SENATE JOINT RESOLUTION

RESOLUTION CONGRATULATING COACH EDDIE STANKY ON HIS SUCCESSFUL OPERATION.

WHEREAS, the State of Alabama has always excelled in the field of athletics; and

WHEREAS, Mr. Eddie Stanky, head coach of the University of South Alabama Baseball Team, in his twelve seasons as coach has compiled a record of 376 wins against only 129 losses; and

WHEREAS, Coach Stanky has led his squads to four N.C.A.A. National Tournament contests; and

WHEREAS, Coach Stanky himself is a veteran of eighteen years in professional baseball, both as a player and a coach, and has participated in three World Series; and

WHEREAS, Coach Stanky has dedicated his life to helping young men cope with their problems, both on and off of the baseball diamond; and

WHEREAS, Coach Stanky is recovering from a successful heart bypass operation; therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Mr. Eddie Stanky be extended our congratulations on his successful heart bypass operation and our wishes for a speedy recovery; and that the Legislature of Alabama hopes to see him back at the helm as soon as possible in order that he may exemplify sportsmanship and excellence for all of the players, coaches, and fans as he has done so well in the past.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Mr. Eddie Stanky to show our concern for his welfare and gratitude for his services.

Approved March 20, 1980

Time: 5:10 P.M.

Act No. 80-96

S.J.R. 58—Higginbotham

SENATE JOINT RESOLUTION

MEMORIALIZING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO APPLY REVENUES DERIVED FROM THE WINDFALL PROFITS TAX TO THE REPAIR AND REVITALIZATION OF THE NATIONAL DEFENSE HIGHWAY SYSTEM.

WHEREAS, the Congress of the United States currently is considering the enactment of a tax on windfall profits of American oil companies; and

WHEREAS, understandably there has been considerable discussion and disagreement regarding the ultimate disposition of the proceeds which would be realized from such a tax; and

WHEREAS, since 1967 costs for construction, operation and maintenance of highways have increased by nearly one hundred eighty-seven percent; and

WHEREAS, the unprecedented inflation in highway construction and maintenance costs, continuing demand for highway travel and uncertain growth in fuel consumption have prevented the traditional road-user taxes from meeting the street, road and highway needs of this country; and

WHEREAS, the projected shortfall in the available funding for highway purposes is caused by our inflationary economy, by conservation and ecological concerns, by the dramatic price rise in

foreign petroleum and by the increased costs of labor and materials which cannot be controlled by state transportation authorities; and

WHEREAS, this revenue problem has created a national problem of the utmost seriousness and urgency; and

WHEREAS, the inability to adequately maintain our highway systems imposes increasing costs on the transportation of people and products, adds to the inflationary spiral and poses an increasing safety hazard to our citizens as the highways continue to deteriorate; and

WHEREAS, the continued maintenance of an adequate highway system is crucial to our economy, well-being and national security; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most earnestly beseech the President and the Congress of the United States to apply the revenues derived from any windfall profits tax on oil companies toward the repair and revitalization of the National Defense Highway System.

BE IT FURTHER RESOLVED, That the Secretary of the Alabama Senate transmit copies of this memorial to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives of the United States and to each member of the Alabama Congressional Delegation in Washington, D. C., for their prompt consideration and endorsement and as a means of communication to our national leaders the broad support which this proposal enjoys.

Approved March 20, 1980

Time: 5:10 P.M.

Act No. 80-97

S.J.R. 59—deGraffenried and Robertson

SENATE JOINT RESOLUTION

CITING CAPTAIN W. O. NICHOLS FOR MERITORIOUS SERVICE WITH THE ALABAMA DEPARTMENT OF PUBLIC SAFETY.

WHEREAS, the Alabama Legislature notes with praise the distinguished career of Captain W. O. Nichols who joined the Department of Public Safety in 1952 to serve some 28 years, retiring March 1, 1980, as Commander of the Tuscaloosa Area District, Alabama State Troopers; and

WHEREAS, his first assignment was in Florence, Alabama, followed by duty in Tuscaloosa, Montgomery and Evergreen, rising through the ranks from trooper to Captain, and transferring to the Tuscaloosa District for a second time in 1970, as Commander, and in charge of Tuscaloosa, Bibb, Pickens, Lamar, Fayette, Winston, Greene and Marion Counties; and

WHEREAS, Captain Nichols has prestigiously served as a past president of the Alabama Police Officers Association and he is a graduate of the F.B.I. Academy; his duties additionally have included 18 years as security for Coach Paul Bryant at the University of Alabama football games; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Captain W. O. Nichols on his outstanding career in law enforcement with the Alabama Department of Public Safety; we congratulate him on his retirement, wish him continuing success in all future endeavors, and direct that he receive a copy of this resolution in token of our deep appreciation and high regard.

Approved March 20, 1980

Time: 5:10 P.M.

Act No. 80-98

S.J.R. 60—deGraffenried

SENATE JOINT RESOLUTION

HONORING CAPTAIN ROBERT W. MOORE UPON HIS RETIREMENT FROM THE ALABAMA DEPARTMENT OF PUBLIC SAFETY.

WHEREAS, Captain Robert W. Moore's retirement from the Alabama Bureau of Investigation of the Department of Public Safety, effective March 1, 1980, ends an outstanding career in law enforcement which has spanned more than 27 years; and

WHEREAS, a native of Luverne in Crenshaw County, Alabama, and a veteran of both World War II and the Korean Conflict, Robert Moore entered law enforcement in 1948 with the Montgomery Police Department; he later joined the Alabama Department of Public Safety and was stationed in Selma for some 16 years in charge of Dallas, Wilcox, Perry, Marengo, Sumter, Greene and Hale Counties; and

WHEREAS, transferred to Tuscaloosa in 1968, Captain Moore

has lectured for many years at the Alabama Police Academy, a responsibility for which he is eminently qualified through training and through his many years of experience in the law enforcement field; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Captain Robert W. Moore on his prestigious career in law enforcement with our gratitude expressed for his outstanding service to the State of Alabama.

BE IT FURTHER RESOLVED, That Captain Moore receive a copy of this resolution in praise and appreciation of his work with the Alabama Department of Public Safety.

Approved March 20, 1980

Time: 5:10 P.M.

Act No. 80-99

S.J.R. 61—deGraffenried

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF MR. HADLEY E. SHURETT OF TUSCALOOSA, ALABAMA.

WHEREAS, the Legislature of Alabama has been grievously saddened by the death of Mr. Hadley E. Shurett on February 10, 1980, in Tuscaloosa, Alabama; and

WHEREAS, Mr. Shurett, who was widely and affectionately known as "Red," was a 50-year employee of Perry Creamery, now called Perry Meadowgold, and a founder of the Alabama Dairy Products Association which he also served as past president; and

WHEREAS, in recognition of his numerous contributions to the association, Red Shurett was honored as the recipient of the Vern Troutman Award for outstanding service; and

WHEREAS, he further was a member of the Personnel Club, the Tuscaloosa Restaurant Association, Lions International, and was a long-time, faithful member of the First United Methodist Church, serving on its executive board at the time of his death; and

WHEREAS, as one of his community's most outstanding and contributing citizens, Mr. Shurett is sorely and deeply missed by his many, many friends, long-time business associates and fellow citizens of the Tuscaloosa area; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mr. Hadley E. "Red" Shurett and extend our most heartfelt sympathy to all members of his family.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to his wife, Mrs. Myrtle Greene Shurett, and to their daughter, Mrs. Rudy S. Marlowe, and sons, Ben H. and William Scott Shurett, that they may know of our concern for them in their time of such great sorrow.

Approved March 20, 1980

Time: 5:10 P.M.

Act No. 80-100

S.J.R. 63—Taylor, Barron, Harrison
and Miller

SENATE JOINT RESOLUTION

REQUESTING EASTERN AIRLINES TO RECONSIDER ITS DECISION TO DISCONTINUE SERVICE IN MONTGOMERY, AND URGING ASSISTANCE OF THE ALABAMA CONGRESSIONAL DELEGATION IN RETAINING SAID SERVICE.

WHEREAS, by virtue of the fact that the City of Montgomery is our state's governmental center and the location of both Maxwell Air Force Base and Gunter Air Force Station, adequate passenger airline service is an absolute necessity; and

WHEREAS, Montgomery, further, is estimated to be a metropolis of some 180,000 persons, with an entire trade area encompassing 13 counties, and its immediate trade area population, from just three counties, is more than a quarter of a million; and

WHEREAS, even more importantly, because of its central Alabama location, numerous individuals both from within and without the large trade area travel to Montgomery for departure to Atlanta, Georgia, and connecting flights to points around the globe; and

WHEREAS, with numerous manufacturing plants already situated in and near Montgomery, additional plants and industry continue to find Montgomery a desirable location and it is therefore anticipated that Montgomery, as other big cities in the rapidly growing Southeastern United States, will continue to increase in

population as will its need for adequate airline service; and

WHEREAS, by Eastern Airline's admission, its Montgomery flights are adequately booked and therefore in no way economically detrimental; to the contrary we would assume that Montgomery flights, normally full, would be economically advantageous to Eastern in that the majority of persons make connecting reservations with the original issuer of a ticket whenever possible; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we respectfully request Eastern Airlines to reconsider its decision to discontinue service in Montgomery, Alabama.

BE IT FURTHER RESOLVED, That the Alabama Legislature also urges its entire Congressional Delegation in Washington, D. C., to assist the Legislature and the City of Montgomery in efforts to retain adequate airline passenger service for this large portion of the State of Alabama.

RESOLVED FURTHER, That copies of this resolution be dispatched to the President of Eastern Airlines and to the members of the Alabama Congressional delegation.

Approved March 20, 1980

Time: 5:10 P.M.

Act No. 80-101

S.J.R. 67—Mitchem

SENATE JOINT RESOLUTION

COMMENDING THE ALBERTVILLE HIGH SCHOOL BAND FOR FIRST PLACE 1980 HONORS IN NEW ORLEANS, LOUISIANA.

WHEREAS, it is with the utmost pride and pleasure that the Legislature of Alabama congratulates the Albertville High School Band, First Place for 1980 in the prestigious "Greatest Bands in Dixie" Contest, sponsored by the Krewe of Mid-City, New Orleans, Louisiana, during the annual Mardi Gras Festival; the Band also won top honors in the "Invitational Festival of Bands" Competition sponsored by the Krewe of Argus; and

WHEREAS, since 1975, the Albertville High School Band has been under the talented direction of Mr. Stacy Goss, with the administrative support of Principal Arthur Baugh; during this

time the band's programs have expanded to include both "C" and "B" Bands as well as Concert, Symphonic, Lab, Jazz and Marching Bands; and

WHEREAS, assisted by Mr. Robert Killian, Associate Director since 1978, Mr. Goss has directed his band's talented young musicians to numerous First Place Awards and Superior Ratings in competition throughout Alabama and the entire Southeast; the band also, selected as North Alabama Bicentennial Band, was invited to participate in the U.S.A. Bicentennial Celebration in Philadelphia, Pennsylvania; and

WHEREAS, in addition to consistent and annual honors for the Albertville High School Bands, the Color Guard and Majorettes have also enjoyed prestige as "Best in Class" in 1978 in Chattanooga, Tennessee, and the Majorettes, again in '79 in Birmingham; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate the Albertville High School Band on outstanding honors received and most particularly on the 1980 First Place Awards in New Orleans, Louisiana.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Principal Arthur Baugh for appropriate school display with copies also to Director Goss and Associate Director Robert Killian on behalf of the entire membership of the Albertville High School Band.

Approved March 20, 1980

Time: 5:10 P.M.

Act No. 80-102

S.J.R. 68—Little

SENATE JOINT RESOLUTION

COMMENDING MR. HOYT WEBB FOR MERITORIOUS SERVICE WITH THE AUBURN UNIVERSITY EXTENSION SERVICE.

WHEREAS, the December 31, 1979, retirement of Mr. Hoyt Webb as Tallapoosa County Agent-Coordinator with the Auburn University Extension Service concluded a 32-year career distinguished by excellence; and

WHEREAS, spanning more than three decades, the tenure of Agent-Coordinator Webb is marked by outstanding achievement and recognition by his peers; he held every office in the county agents association and in 1976 was honored by election to the presidency of the Alabama Association of County Agricultural Agents; and

WHEREAS, Mr. Webb, in addition to his responsibilities with the Extension Service, has for many years assumed further responsibility for service through voluntary efforts in his community; he is active with Camp ASCCA of the Alabama Society of Crippled Children and Adults, with the Magic Crescent Area Chamber of Commerce, has served as one of two representatives for the National Easter Seals Society and is a long-time member of the First United Methodist Church and the American Legion; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. Charles Hoyt Webb of Dadeville, Alabama, on his prestigious career with the Auburn University Extension Service, and we further express our deep appreciation for his many outstanding contributions in voluntary service to his community and state.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Webb as a token of our esteem and in praise of his responsible and conscientious citizenship.

Approved March 20, 1980

Time: 5:10 P.M.

Act No. 80-103

S.J.R. 80—Robertson

SENATE JOINT RESOLUTION

COMMENDING THE PICKENS COUNTY VOLUNTEER FIRE DEPARTMENTS.

WHEREAS, the Legislature of Alabama has noted that February 25 through March 2, 1980, was observed as Volunteer Fire Department Week in Pickens County, so designated in tribute to their volunteer firemen, fellow citizens who daily risk their lives in service to others; and

WHEREAS, the Pickens County Volunteer Fire Department System is composed of units in Aliceville, Carrollton, Gordo and

Reform, with two additional departments in the Zion and Palmetto communities now being organized; men of all ages and from all walks of life have united in one common cause and, through hard work and dedication to duty, have made their system one of the finest in the State of Alabama; and

WHEREAS, all the members of the four existing departments, as well as the developers of the two new organizations, are indeed deserving of high praise for their efficiency and effectiveness in providing fire protection for so many of the citizens of Pickens County, Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly praise and commend the Pickens County Volunteer Fire Department on their outstanding organization and direct that copies of this resolution be provided for each department in token of the appreciation of the Alabama Legislature.

Approved March 20, 1980

Time: 5:10 P.M.

Act No. 80-104

S.J.R. 83—Mitchem

SENATE JOINT RESOLUTION

CONGRATULATING THE BOAZ HIGH SCHOOL PIRATES ON THEIR OUTSTANDING 1979 FOOTBALL SEASON.

WHEREAS, the Alabama Legislature notes with high praise, and in awe, the perfect 10-0 Football Season for Boaz High School in 1979; and

WHEREAS, the Pirates, 1979 Marshall County champions, were ranked number four in 3A Football in *The Montgomery Advertiser* Final Season Poll; and

WHEREAS, coached by John Beck and his assistants, Phil Ray, Gerald Thomas, Randall Nelson and Dale Pruitt, with administrative support by Principal Ollin Hayes, the Pirates played seven total shutout games, with 263 points for the season against a total of just 19 points for their opponents; and

WHEREAS, to average a phenomenal 26.3 points per game while giving up only 1.9, is a feat seldom accomplished by young high school athletes, and one which undoubtedly shows the high calibre of individuals who contributed to this outstanding record.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate the Boaz High School Pirates on their perfect 1979 winning football season.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Principal Ollin Hayes for appropriate school display with a copy also to Head Coach John Beck on behalf of his assistants and the entire Boaz team.

Approved March 20, 1980

Time: 5:10 P.M.

Act No. 80-105

S.J.R. 84—Miller and Little

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF ANDALUSIA CITY COUNCILMAN, L. FRED PRICE.

WHEREAS, the Alabama Legislature has grievously noted the death of Mr. L. Fred Price at his home in Andalusia, Alabama, on March 1, 1980, at the early age of 58 years; and

WHEREAS, a former six-year member of the Andalusia Board of Education, Mr. Price was a prominent Covington County businessman and, at the time of his death, was serving his first term as a member of the Andalusia City Council; and

WHEREAS, though a native of Elba, Alabama, he had been a resident of Andalusia for more than twenty years and was a combat veteran of World War II; and

WHEREAS, Mr. Price was a longtime active supporter of his city's youth recreation programs; he was a member of the First Baptist Church and a member and past president of the Kiwanis Club of Andalusia; and

WHEREAS, in the death of Mr. Price, the City of Andalusia has lost one of its most outstanding citizens, one who will long be sorely missed, not only by his beloved family, but by his many, many friends and fellow citizens of his community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Mr. L. Fred Price of Andalusia and extend our most heartfelt sympathy to his wife, Mrs. Lucy Price, to their son, Kevin, and to their daughter, Mrs. Freida Armstrong, to whom copies of this resolution shall be sent.

Approved March 20, 1980

Time: 5:10 P.M.

Act No. 80-106

H. 165—Hammett, Holley

AN ACT

Relating to Covington County; to repeal Act No. 552, H. 968, approved November 19, 1959, Regular Session 1959 (Acts 1959, p. 1359), entitled "An Act Relating to the purging of voter registration lists in Covington County; providing for periodic reidentification of registered voters in Covington County and for the removal of the names of those now required by law to be stricken from the lists of registered voters in Covington County; providing for supplies to carry out reidentification and to maintain current voter files in the county; providing for the administration and enforcement of the act; and prescribing penalties."

Be It Enacted by the Legislature of Alabama:

Section 1. Relating to Covington County; Act No. 552, H. 968, approved November 19, 1959, Regular Session 1959 (Acts 1959, p. 1359), entitled "An Act Relating to the purging of voter registration lists in Covington County; providing for periodic reidentification of registered voters in Covington County and for the removal of the names of those now required by law to be stricken from the lists of registered voters in Covington County; providing for supplies to carry out reidentification and to maintain current voter files in the county; providing for the administration and enforcement of the act; and prescribing penalties," is hereby expressly repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 20, 1980

Time: 5:30 P.M.

Act No. 80-107

H. 191—Sandusky

AN ACT

Relating to Mobile County; providing for an additional expense allowance for the tax assessor.

Be It Enacted by the Legislature of Alabama:

Section 1. The tax assessor of Mobile County shall receive an additional expense allowance of \$250.00 per month, payable from

the county general fund in monthly installments.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 20, 1980

Time: 5:30 P.M.

Act No. 80-108

H. 383—Pegues, Hilliard

AN ACT

Relating to the existence and functioning of the Alabama Public Service Commission provided for in Sections 37-1-1 through 37-1-157 of the Code of Alabama 1975, and as otherwise provided by law; declaring that the Alabama Public Service Commission shall be continued as presently constituted under the laws of this state.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the "Alabama Sunset Act of 1976," Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended by Act No. 79-542, S. 258 of the 1979 Regular Session, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Alabama Public Service Commission. Based upon its review and evaluation of said agency, the Sunset Committee made certain recommendations to the legislature. The legislature, after consideration, debate and evaluation of said agency, does hereby direct and order the continuance of said Alabama Public Service Commission as presently constituted and functioning under the laws of this state.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 20, 1980

Time: 5:30 P.M.

Act No. 80-109

H. 513—Crow

AN ACT

Relating to Calhoun County; to further provide for the compensation of the Civil Service Board.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the Civil Service Board of Calhoun County shall receive compensation of \$75 per month except the Chairman who shall receive \$100 per month. This shall be the total compensation of the members of such board.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 20, 1980

Time: 5:30 P.M.

Act No. 80-110

H. 514—Crow

AN ACT

To alter, rearrange and reduce the boundaries and corporate limits of the City of Anniston in Calhoun County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries and corporate limits of the City of Anniston in Calhoun County are hereby altered, rearranged and reduced so as to exclude from the boundaries and corporate limits of said city the following described territory, to-wit:

Commencing at the northwest corner of the Southwest Quarter of the Northeast Quarter of Section 20, Township 16 South, Range 8 East, in Calhoun County, Alabama; thence south 0 degrees 25 minutes west along the west line of said Southwest Quarter of the Northeast Quarter a distance of 550.80 feet to a point; thence north 89 degrees 19 minutes east a distance of 299.56 feet to a point; thence north 87 degrees 57 minutes east a distance of 118.41 feet to the point of beginning; thence north 0 degrees 03 minutes west a distance of 210.00 feet to a point; thence north 89 degrees 57 minutes east a distance of 488.61 feet to a point; thence south 0 degrees 03 minutes east a distance of 210.00 feet to a point; thence south 89 degrees 57 minutes west a distance of 488.61 feet to the point of beginning; lying and being in Calhoun County, Alabama, containing 2.36 acres.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 20, 1980

Time: 5:30 P.M.

Act No. 80-111

H. 561—Letson

AN ACT

To amend further Section 11-6-2 of the Code of Alabama 1975, as amended, so as to provide further for the qualifications of the county engineer in certain counties of this state.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11-6-2 of the Code of Alabama 1975, as amended, is hereby amended to read as follows:

“§11-6-2.

“The person appointed as county engineer, or chief engineer of the division of public roads within the meaning of this article, shall be a registered professional engineer and land surveyor in the state of Alabama in good standing and, in addition, he shall have had not less than three years experience in the maintenance and construction of highways and bridges; except, that in all counties having populations of not less than 300,000 nor more than 600,000 inhabitants according to the most recent or any subsequent federal decennial census and in Cleburne, Crenshaw, Chilton, Fayette, Winston, Lamar, Cullman, Perry, Bullock, Macon, Montgomery, Clay, Walker, Coffee, Choctaw, Blount, Houston, Pike, Russell, Henry, Lawrence and Chambers counties, the county engineer need not be qualified as a land surveyor in order for the state highway department to participate in the payment of a portion of said county engineer's salary as provided in section 11-6-4; provided, that the exemption for Montgomery county shall expire on May 1, 1979.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 20, 1980

Time: 5:30 P.M.

Act No. 80-112

H. 567—Ray

AN ACT

Relating to Pike County, increasing the pistol permit fee in said county and providing for the disposition of funds derived therefrom.

Be It Enacted by the Legislature of Alabama:

Section 1. In Pike County the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided by Section 13-6-155 of the Code of Alabama 1975, shall be ten dollars (\$10.00), which fee shall be collected by the sheriff and paid into the county treasury and allocated as follows: \$7.00 to the county general fund and \$3.00 to a special fund to be used for purchase of supplies and equipment for the Pike County Sheriff's Department.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are, to the extent of such conflict, hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 20, 1980

Time: 5:30 P.M.

Act No. 80-113

H. 602—Pegues, Carothers,
Johnson (R.G.)

AN ACT

To require the sponsor of a nursing home patient to authorize the county tax collector to collect the earned and unearned income of such patient and pay such moneys over to the Medical Services Administration for the administration of the medicaid program; and to provide for the collection of such moneys by the tax collector.

Be It Enacted by the Legislature of Alabama:

Section 1. The sponsor of any nursing home patient receiving medicaid payments shall execute and deliver instruments necessary to authorize the tax collector of the county in which the patient resides, to receive any earned and unearned income of the patient. Such earned and unearned income to which the patient is

entitled, shall be paid directly to the tax collector and when collected, shall be paid over by him to the Medical Services Administration of the state of Alabama for administering the medicaid program. Supplemental Security Income grants (S.S.I.), the personal needs allowance, and sheltered workshop earnings shall not be deemed to be "earned or unearned income" for the purposes of this act and these shall be excluded from the provisions of this act.

Section 2. The state department of revenue shall promulgate rules and regulations and prescribe forms for the collection of the moneys required to be collected by the several tax collectors of the state pursuant to this act. Provided, such regulations shall require the tax collectors to remit the moneys once a month to the Medical Services Administration.

Section 3. The Medical Services Administration shall from time to time furnish the tax collector of each county with a list of the nursing home patients receiving medicaid payments in the respective counties.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 20, 1980

Time: 5:30 P.M.

Act No. 80-114

H.J.R. 87—Minus

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MR. RAY S. HAMRICK, SR.

WHEREAS, Ray Seaborn Hamrick, Sr. put down roots in Sumter County in 1932; and

WHEREAS, he was married to the former Ruby Huffman for 47 years until his death on Sunday morning, February 24, 1980; and

WHEREAS, he became a prominent cattle dealer in Livingston, a deacon in his Baptist Church and served as a financial

director for many years. He was a member and served as a director of the Alabama Farm Bureau Federation for a number of years and was a member of the Alabama Cattlemen's Association; and

WHEREAS, in a recent interview, Mr. Hamrick commented on life in his adopted Sumter County. "I've been happy and grateful for our life here. I just wish there were more hours in a day. There's still a lot of work I want to see done."

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the members do hereby extend their sincerest sympathy to his wife, Ruby; his son, Ray S. Hamrick, Jr.; his daughter, Katherine H. Quinn; his numerous nieces and nephews; and to his many friends.

Approved March 20, 1980

Time: 5:30 P.M.

Act No. 80-115 H.J.R. 89—Johnson (Roy), Barton, Mitchell,
 Owens

HOUSE JOINT RESOLUTION

NAMING THE ATHLETIC FIELD AT J. O. BOWERS PARK IN TUSCALOOSA, ALABAMA, "THE JOE L. HUTT ATHLETIC FIELDS."

WHEREAS, Mr. Joe L. Hutt, though a native of Hale County, Alabama, has been a permanent resident of Tuscaloosa since 1946 and, since 1948, has owned and operated his own business known as Joe L. Hutt, General Contractor, Incorporated; and

WHEREAS, a member of the First United Methodist Church and the Bill Brandon Bible Class, Mr. Hutt has also served at various times as a member of the Official Church Board; he is an active member of both the Dollarhide Hunting Club and the Tuscaloosa Coon Hunters and is the 1978 recipient of the Tuscaloosa Civitan Citizen of the Year Award; and

WHEREAS, Joe L. Hutt, widely known for his deep involvement in numerous civic and community affairs, has devoted the majority of his time, for many years, to activities related to boys' baseball programs; he was instrumental in building the first regulation baseball field in Tuscaloosa, personally donated poles for the lighting system and solicited donations and funds for the actual lights; and

WHEREAS, he further was greatly responsible for building the Little League Fields at Snow Hinton Park, coached the Little League "Yankees" for 13 years and served as one of the coaches of an American Legion baseball team for a number of years as well as organizing efforts to obtain the manager and the necessary equipment for such an endeavor; and

WHEREAS, as an avid sports enthusiast and in appreciation for long years of service to the athletic programs of Tuscaloosa, it is indeed fitting that Mr. Hutt be appropriately honored for such devoted service; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the new athletic fields at J. O. Bowers Park in Tuscaloosa, Alabama, are hereby named and designated as "The Joe L. Hutt Athletic Fields."

BE IT FURTHER RESOLVED, That the proper officials are hereby directed to erect and maintain appropriate signs and markers so designating said fields as "The Joe L. Hutt Athletic Fields," and that Mr. Hutt receive a copy of this resolution as a memento of this honorary designation by the Alabama Legislature.

Approved March 20, 1980

Time: 5:30 P.M.

Act No. 80-116

H.J.R. 92—Riddick, Smith (M)

HOUSE JOINT RESOLUTION

COMMENDING AND CONGRATULATING THE HUNTSVILLE EAST ALLSTARS, GIRLS SOFTBALL, DIXIE WORLD SERIES CHAMPIONS.

WHEREAS, in recognition of outstanding achievement, the Alabama Legislature notes with extraordinary pride the Dixie World Series Championship captured by the Huntsville East Allstars for 1979; and

WHEREAS, following five straight "wins" in district competition and four state games without a loss, the Huntsville East Allstars, a 16-18 year old girls' softball team, went four-for-four in the Dixie Debs World Series to bring home the Championship to Huntsville and to the State of Alabama; and

WHEREAS, by virtue of their championship, the Huntsville East Allstars also won the honor of host status for the 1980 Dixie

Debs World Series which will be held in Huntsville; and

WHEREAS, under the direction of Coaches Joe Hopkins and Glenda Kidd and Manager Gene Lusk, the Huntsville East Allstars and World Series Champions are: Tammy Bentley, Karen Fisher, Susan Gattis, Sandy Harshaw, Janet Hornsby, Missy Lackey, Beverly Langford, Joan Martin, Becky Parker, Laura Petty, Jenny Rhoads, Laurie Roach, Betsy Rowden, Diane Sharp, Beth Thigpen and Cindy Webb; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and warmly congratulate the Huntsville East Allstars on their Dixie World Series Championship for 1979; we further voice our appreciation for the fame and honor they have brought to the entire State of Alabama, both as Champions and as Hostesses for the 1980 World Series.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the manager and coaches, and to the Huntsville East Allstars, in token of appreciation and in praise of their outstanding accomplishment.

Approved March 20, 1980

Time: 5:30 P.M.

Act No. 80-117

H.J.R. 98—Harper (T)

HOUSE JOINT RESOLUTION

NAMING THE J. A. WINTZELL MEMORIAL BRIDGE.

WHEREAS, Mr. J. A. Wintzell was a lifelong resident of the city of Bayou La Batre; and

WHEREAS, Mr. Wintzell was the only Mayor that the city of Bayou La Batre has ever had; and

WHEREAS, Mr. J. A. Wintzell passed away recently and will be remembered always for his service to the citizens of Bayou La Batre; now, therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the bridge on State Highway 188 crossing Bayou La Batre be hereby named the J. A. Wintzell Memorial Bridge.

BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to Mr. Wintzell's family.

Approved March 20, 1980

Time: 5:30 P.M.

Act No. 80-118

H.J.R. 102—Cates

HOUSE JOINT RESOLUTION

COMMEMORATING THE 100th ANNIVERSARY OF THE
BIRTH OF DOUGLAS MacARTHUR.

WHEREAS, Douglas MacArthur was born on January 26, 1880, the son of General Arthur MacArthur; he was graduated first in his class and with highest honors from the United States Military Academy at West Point; and

WHEREAS, Douglas MacArthur distinguished himself in service to his country during a brilliant military career which encompassed both World Wars, attaining the rank of General at a very young age and decorated on numerous occasions for meritorious and outstanding service; and

WHEREAS, his valiant defense of Corregidor during World War II earned for him the love and gratitude of the Philippine people to whom he promised, in historic and prophetic words, "I shall return"; and

WHEREAS, having triumphantly returned with freedom and dignity for the people of the Philippines, he later skillfully planned and executed the occupation of Japan, showing compassion for the vanquished in the great American tradition of freedom and dignity for all mankind; and

WHEREAS, on the occasion of the 100th Anniversary of the birth of General Douglas MacArthur, it is the desire of the Alabama Legislature to pay tribute to one of our nation's most outstanding countrymen, a brave soldier and patriot renown; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in admiration and esteem, we hereby commemorate the birth of a courageous and compassionate man and a great American, General Douglas MacArthur.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to his widow, Mrs. Douglas MacArthur, to his son, Arthur MacArthur, IV, and to the MacArthur Memorial Foundation in Norfolk, Virginia.

Approved March 20, 1980

Time: 5:30 P.M.

Act No. 80-119

H.J.R. 106—Daniels

HOUSE JOINT RESOLUTION

CREATING A JOINT LEGISLATIVE COMMITTEE TO STUDY THE REORGANIZATION OF THE ALABAMA PUBLIC SERVICE COMMISSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint legislative committee to study the reorganization of the Alabama Public Service Commission. The committee shall be composed of five members of the House of Representatives and five members of the Senate to be appointed by the presiding officer of each house. The members of the committee shall elect from among its members a chairman.

Upon the request of the chairman of such committee, the secretary of the Senate and the clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the 20th legislative day of the 1980 Regular Session, whereupon the committee shall be dissolved.

Approved March 20, 1980

Time: 5:30 P.M.

Act No. 80-120

H. 380—Cosby, Hilliard, Whatley

AN ACT

Relating to the existence and functioning of the Alabama Alcoholic Beverage Control Board provided for in Title 28 of the Code of Alabama 1975, and as otherwise provided by law.

Be It Enacted by the Legislature of Alabama:

Section 1. Title 28 of the Code of Alabama 1975, and other provisions of law relating to the Alabama Alcoholic Beverage Control Board are hereby continued.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 25, 1980

Time: 2:30 P.M.

Act No. 80-121

H. 381—Whatley

AN ACT

To repeal Sections 41-9-90 through 41-9-95 inclusively and Sections 41-9-97 through 41-9-126, Code of Alabama 1975, inclusively, so as to terminate the existence and functioning of the Alabama boxing and wrestling commission and to amend Section 41-9-96, Code of Alabama 1975, which relates to the collection of licenses, fees and taxes on boxing and wrestling events, so as to retain such licenses, fees and taxes, to be collected and distributed by the commissioner of revenue equally between the state general fund and the American Legion, department of Alabama, and to retroactively amend Section 41-9-91 relating to payment of money to the American Legion, so as to retroactively alter the amount of money paid, and to provide for the disposition of furniture and equipment belonging to the commission, and to create a State Athletic Commission and prescribe its membership, compensation, meetings, duties, powers and authority.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the "Alabama Sunset Act of 1976," Sections 41-20-1 through 41-20-16, as amended by Act No. 79-542, S. 258 of the 1979 Regular Session, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Alabama boxing and wrestling commission. Based on its review and evaluation of the said agency, the Sunset Committee voted to recommend the termination of the said agency created and functioning pursuant to Sections 41-9-90 through 41-9-95 inclusively and Sections 41-9-97 through 41-9-126 of the Code of Alabama 1975, and hereby recommends the termination of the said agency and the repeal of said provisions of law pertaining thereto. The committee further voted to amend Section 41-9-96, Code of Alabama 1975, which relates to the collection of licenses, fees and taxes on boxing and wrestling events, so as to: (a) retain such licenses, fees and taxes; (b)

to require the commissioner of revenue to collect such taxes and distribute the net proceeds equally between the state general fund and the American Legion, department of Alabama. The committee further voted to require the terminated commission to transfer all equipment, supplies and belongings of the commission to the department of revenue commissioner within 30 days following enactment of this bill.

Section 2. The legislature concurs in the recommendations of the Sunset Committee provided in Section 1 of this act, except as otherwise provided herein.

Section 3. Sections 41-9-90 through 41-9-95 inclusively and 41-9-97 through 41-9-126 inclusively of the Code of Alabama 1975, which relate to the Alabama boxing and wrestling commission are hereby repealed effective 60 days after the effective date of this act, provided, however, that Section 41-9-91, Code of Alabama 1975, is hereby amended to read as follows:

“§41-9-91.

“Compensation and expense of members.--The chairman and each member of the commission shall serve as such without salary, but shall receive his actual expenses while engaged in the performance of his duties, and a per diem of ten dollars per day. The chairman of the commission shall be ex officio the recorder of permits and licenses and for such service one-half of all moneys collected shall be paid to the American Legion, department of Alabama, to be used in their programs.”

Said amendment shall be retroactive to October 31, 1977, and any actions taken or payments made in accordance with the provisions of said section as herein amended since said date are hereby ratified, validated and confirmed.

It is the intention of the legislature by this action to waive all debts incurred by the American Legion to the state regarding the disposition of funds collected by the Boxing and Wrestling Commission between October 31, 1977 and present.

Section 4. Section 41-9-96, Code of Alabama 1975, is hereby amended to read as follows:

“§41-9-96.

“(a) The commissioner of the revenue department, hereinafter called ‘commissioner,’ shall have full power and authority and it shall be his duty, to collect:

“(1) A fee of \$1.00 for every permit or license to hold a boxing,

sparring or wrestling match or exhibition;

“(2) Seventeen and one-half percent of the gross receipts from admissions to every boxing, sparring or wrestling match or exhibition plus 10 percent of the gross price chargeable for the sale, lease or other exploitation of broadcasting, television and motion picture rights of such matches or exhibitions;

“(3) Ten percent of the gross admission charges to a club, theatre or other place where a televised showing of a boxing, sparring or wrestling match or exhibition which is taking place in another area or place may be viewed by means of closed circuit television; and, for the purposes of paying and collecting this tax, any person, firm, association or corporation which charges or collects admission fees to view such televised matches or exhibitions shall be subject to the provisions of this section relative to the payment of licenses;

“(4) A reasonable fee, to be fixed by the commissioner, not to exceed \$500.00 for each annual license or permit issued to a promoter;

“(5) One hundred and fifty dollars for each annual license or permit issued to a matchmaker;

“(6) Twenty dollars for each annual license or permit issued to a wrestler, manager or boxer; and

“(7) Five dollars for each annual license or permit issued to a referee, judge, ticket seller, announcer, trainer, second, medical examiner, ticket taker, director or timekeeper.

“(b) Nothing in this article shall be construed as permitting, authorizing or enjoining the commissioner, or his authorized agent, to collect any license, permit fee or tax for any amateur boxing, sparring or wrestling matches or exhibitions held under the auspices of educational institutions when the proceeds of such are to be used to foster, aid or abet programs of education in the state of Alabama, or when the same are held under the auspices, rules and regulations of any national amateur athletic association or union, but no exemption from license, permit fee, tax or charges shall be granted to any person, group of persons or organization for such amateur boxing, sparring or wrestling matches or exhibitions when the proceeds or any part thereof are for personal or private gain.

“(c) The commissioner, or his authorized agent, shall collect from all patriotic organizations chartered by authority of a special act of the congress of the United States or local units thereof, which

have been in existence and held meetings at regular intervals for one year immediately preceding the issuance of the permit, to whom a license or permit is issued, 10 percent of the gross receipts of every boxing, sparring or wrestling match conducted or sponsored by such an organization, in lieu of the 17½ percent provided for in subdivision (2) of subsection (a) of this section.

“(d) After first paying all operating expenses incurred in the collection of such fees, licenses and taxes, and all operational expenses of the State Athletic Commission, the commissioner shall distribute, on or before January 15 of each year, all proceeds and monies received therefrom as follows:

“(a) One-half (½) to the state general fund; and

“(b) One-half (½) to the American Legion, department of Alabama, for use in their programs in service to the people of the state of Alabama.”

Section 5. All furniture and equipment belonging to the discontinued commission, after an appraisal by a representative of the State Property Division and a representative of a reputable office supply and equipment company shall be offered for sale to the American Legion, department of Alabama, within thirty (30) days following the enactment of this bill. All supplies and other belongings of the discontinued commission shall be transferred by the commission within thirty (30) days following the enactment of this bill to the Department of Revenue Commissioner.

Section 6. (a) A State Athletic Commission is hereby created. The commission shall be composed of seven members who shall be appointed by the Governor, one from each of the seven U. S. Congressional Districts, with the advice and consent of the Senate, for terms of four years each, provided that of the members initially appointed, three shall serve for two years and four shall serve for four years, as the governor may direct. The members of the commission shall select a chairman and vice chairman from among their members. Vacancies on the board during a term shall be filled for the unexpired portion of the term in the same manner as the member whose place is being filled.

(b) Members of the commission shall receive the same mileage and per diem allowance as paid to state employees. All such expenses shall be paid from the funds of the commission. It shall be unlawful for any member of the commission or any employee thereof to charge, receive, or obtain either directly or indirectly, any fee, commission, retainer or brokerage out of the funds of the commission, and no member of the commission or officer or

employee thereof shall have any interest in any materials, or contracts sold to or made or negotiated with the commission, or with any member or employee thereof acting in his capacity as a member of such commission. Violation of any provision of this section shall be a misdemeanor and upon conviction shall be punishable by removal from membership or employment and by a fine of not less than \$100 or by imprisonment not to exceed six months or both.

(c) The meetings shall be at the call of the chairman at least on a quarterly basis, not to exceed twenty meetings per year. A majority of the members shall constitute a quorum for the transaction of business. The members of the commission shall determine the times and places within the state for their meetings as may be necessary, desirable or convenient. In the event of the absence or incapacity of the chairman, meetings may be on the call of the vice chairman, or on the call of any five members of the commission. The commission shall determine and establish its own organization and procedures necessary to accomplish its purpose and function.

(d) It shall be the function and main purpose of the commission to encourage and attract more professional athletic, sporting and promotional events to the state, and develop the publicity and promotional programs for the support of these events. It is specifically provided that all rules and regulations promulgated by the Boxing and Wrestling Commission created by Section 41-9-90, Code of Alabama 1975, are in full force and effect. The State Athletic Commission shall be required to enforce such rules and regulations and the State Athletic Commission is hereby granted power to alter, amend or promulgate new rules and regulations governing boxing and/or wrestling events. In addition to the general powers, the commission's powers shall include those incidental or necessary to the discharge of its said powers and duties.

(e) The State Revenue Department shall furnish the commission with necessary secretarial and clerical help. The commission and the Revenue Department shall jointly promulgate all necessary administrative rules and regulations regarding the keeping and transfer of records, forms, licenses and other material.

Section 7. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 25, 1980

Time: 2:30 P.M.

Act No. 80-122

H. 382—Hammett

AN ACT

To continue the Alabama mental health board, which is provided for in Sections 22-50-1 through 22-50-17, 22-50-19, 22-50-20, 22-50-24, 22-50-40 through 22-50-43, 22-50-62, 22-51-1, 22-51-2, 22-51-7, 22-51-12 and 22-51-14 of the Code of Alabama 1975, and as otherwise provided by law, the recommendations and vote of the Sunset Committee to the contrary notwithstanding.

Be It Enacted by the Legislature of Alabama:

Section 1. It is the intent of the legislature to continue the state mental health board, the recommendations and vote of the Sunset Committee to the contrary notwithstanding.

Section 2. The state mental health board, created and functioning pursuant to Title 22, Chapters 50 and 51 of the Code of Alabama 1975, and all other provisions of law, is hereby continued, the recommendations and vote of the Sunset Committee to the contrary notwithstanding.

Section 3. Sections 22-50-1 through 22-50-17, 22-50-19, 22-50-20, 22-50-24, 22-50-40 through 22-50-43, 22-50-62, 22-51-1, 22-51-2, 22-51-7, 22-51-12 and 22-51-14 of the Code of Alabama 1975, as amended, relating to the mental health board are hereby continued.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 25, 1980

Time: 2:30 P.M.

Act No. 80-123

H. 560—Letson

AN ACT

Relating to Lawrence County; authorizing the county commission to levy a special county privilege license and excise tax paralleling the state sales and use taxes provided for in Chapter 23 of Title 40 of the Code of Alabama 1975, as amended; providing for the collection and enforcement of such taxes by the State Department of Revenue; providing for the distribution and use of the proceeds; and providing penalties for violations of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. The following words, terms and phrases where used in this Act shall have the following respective meanings except where the context clearly indicates a different meaning:

“County” means Lawrence County in the State of Alabama.

“Commissioner” means the commissioner of revenue of the state.

“State Department of Revenue” means the department of revenue of the state.

“State” means the State of Alabama.

“State Sales Tax Statutes” means Division 1 of Article 1 of Chapter 23 of Title 40 of the Code of Alabama of 1975, as amended, including all other statutes of the state which expressly set forth any exemptions from the computation of the taxes levied in said Division 1 and all other statutes which expressly apply to, or purport to affect, the administration of said Division 1 and the incidence and collection of the taxes imposed therein.

“State Sales Tax” means the tax or taxes imposed by the State Sales Tax Statutes.

“State Use Tax Statutes” means Article 2 of Chapter 23 of Title 40 of the Code of Alabama of 1975, as amended, including all other statutes of the state which expressly set forth any exemptions from the computation of the tax levied in the said Article 2 and all other statutes of the state which expressly apply to or purport to affect the administration of the said Article 2 and the incidence and collection of the taxes imposed therein.

“State Use Tax” means the tax or taxes imposed by the State Use Tax Statutes.

“Registered Seller” means the person registered with the state department of revenue pursuant to the State Use Tax Statutes or licensed under the State Sales Tax Statutes.

“Month” means a calendar month.

“Quarterly Period” means the period of three months ending on

the last day of each March, June, September and December.

"Fiscal Year" means the period commencing on October 1 of each calendar year and ending on September 30 of the next succeeding calendar year.

Except where another meaning is clearly indicated by the context, all definitions set forth in the State Sales Tax Statutes and the State Use Tax Statutes shall be effective as definitions of the words, terms and phrases used in this Act. All words, terms and phrases used herein, other than those hereinabove specifically defined, shall have the respective meanings ascribed to them in the State Sales Tax Statutes and the State Use Tax Statutes and shall have the same scope and effect that the same words, terms and phrases have where used in the State Sales Tax Statutes and the State Use Tax Statutes.

Section 2. Authorization of Levy of Sales Tax. The governing body of the county is hereby authorized to levy and impose in the county, in addition to all other taxes of every kind now imposed by law, and to collect as herein provided, a privilege or license tax on account of the business activities and in the amount to be determined by the application of rates against gross sales or gross receipts, as the case may be, as follows:

(a) Upon every person, firm or corporation (including the State of Alabama, the University of Alabama, Auburn University and all other institutions of higher learning in the state, whether such institutions be denominational, state, county or municipal institutions, any association or other agency or instrumentality of such institutions) engaged or continuing within the county in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character (not including, however, bonds or other evidences of debts or stock, nor sales of material and supplies to any person for use in fulfilling a contract for the painting, repair or reconditioning of vessels, ships and other watercraft of over 50 tons burden) an amount not exceeding one percent of the gross proceeds of sales of the business, except where a different amount is expressly provided herein; provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as a retailer, on the gross sales of the business; and provided further, that where any used part of an automotive vehicle or a truck trailer, semitrailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or rebuilt part, the tax authorized to be levied herein shall be paid on the net difference, that is, the price of the

new or used part sold less the credit for the used part taken in trade, provided, however, that this provision shall not be construed to include tires or batteries;

(b) upon every person, firm or corporation engaged or continuing within the county in the business of conducting or operating places of amusement or entertainment, billiard or pool rooms, bowling alleys, amusement devices, musical devices, theatres, opera houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games (including athletic contests conducted by or under the auspices of any educational institution within this state, or any athletic association thereof, or other association whether such institution or association be denominational, a state, county, or a municipal institution or association or a state, county or city school, or other institution, association, or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement, or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description within the county, an amount not exceeding one percent of the gross receipts of any such business;

(c) upon every person, firm or corporation engaged or continuing within the county in the business of selling at retail machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property an amount not exceeding one-half of one percent of the gross proceeds of the sale of such machines; provided that the term "machine" as herein used shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used;

(d) upon every person, firm or corporation engaged or continuing within the county in the business of selling at retail any automotive vehicle, truck, trailer, semi-trailer or house trailer, an amount not exceeding one-half of one percent of the gross proceeds of sale of said automotive vehicle, truck, trailer, semi-trailer or house trailer; provided, however, where a person subject to the tax provided for in this subsection withdraws from his stock in trade any automotive vehicle or truck, trailer, semi-trailer or house trailer for use by him or by his employee or agent in the operation of such business, there shall be paid, in lieu of the tax authorized to be

levied herein, a fee of one dollar and twenty-five cents (\$1.25) per year or part thereof during which such automotive vehicle, truck, trailer, semi-trailer or house trailer shall remain the property of such person; provided, that each such year or part thereof shall be deemed to begin with the day or anniversary date, as the case may be, of such withdrawal and shall run for the twelve succeeding months or part thereof during which such automotive vehicle, truck, trailer, semi-trailer or house trailer shall remain the property of such person; and provided further, that where any used automotive vehicle, truck, trailer, semi-trailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax authorized to be levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade;

(e) Upon every person, firm or corporation engaged or continuing within the county in the business of selling at retail any machine, machinery or equipment which is used in planting, cultivating and harvesting farm products, or used in connection with the production of agricultural produce or produce, livestock or poultry on farms, and the parts of such machines, machinery or equipment, attachments and replacements therefor which are made or manufactured for use on or in the operation of such machine, machinery or equipment, and which are necessary to and customarily used in the operation of such machine, machinery or equipment, an amount equal to one-half percent ($\frac{1}{2}\%$) of the gross proceeds of the sale thereof. Provided, however, the one-half percent ($\frac{1}{2}\%$) rate herein prescribed with respect to parts, attachments, and replacements shall not apply to any automotive vehicle or trailer designed primarily for public highway use, except farm trailers used primarily in the production and harvesting of agricultural commodities.

Where any used machine, machinery or equipment which is used in planting, cultivating, and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock and poultry on farms is taken in trade or in a series of trades as a credit or part payment on a sale of a new or used machine, machinery or equipment, the tax levied herein shall be paid on the net difference, that is, the price of the new or used machine, machinery or equipment sold, less the credit for the used machine, machinery or equipment taken in trade; and

(f) upon every person, firm or corporation engaged or continuing within the county in the business of selling, through coin-operated dispensing machines, food and food products for

human consumption, not including beverages other than coffee, milk, milk products and substitutes therefor, an amount not exceeding one-half of one percent of the cost of such food, food products and beverages sold through such machines, which cost for the purpose of this subsection (f) shall be the gross proceeds of sales of such business.

There are exempted, however, from the provisions of this section and from the computation of the amount of the taxes authorized to be imposed in this section, the gross receipts of any business and the gross proceeds of all sales which are presently exempted under the State Sales Tax Statutes from the computation of the amount of the State Sales Tax.

Section 3. Authorization of Levy of Use Tax. The governing body of the county is hereby authorized to levy and impose excise taxes on the storage, use or other consumption of property in the county as hereinafter provided in this section:

(a) An excise tax is hereby authorized to be levied and imposed on the storage, use or other consumption in the county of tangible personal property (not including, however, materials and supplies bought for use in fulfilling a contract for the painting, repairing or reconditioning of vessels, barges, ships and other watercraft of more than 50 tons burden) purchased at retail on or after the effective date of such tax, for the storage, use or other consumption in the county on or after the effective date of such tax, at the rate of not exceeding one percent of the sale price of such property, except as provided in subsection (b), (c), (d) and (e) of this section;

(b) an excise tax is hereby authorized to be levied and imposed on the storage, use or other consumption in the county of any machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property purchased at retail on or after the effective date of such tax for storage, use or other consumption in the county, at the rate of not exceeding one-half of one percent of the sales price of any such machine; provided, that the term "machine," as used herein shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and are customarily so used;

(c) an excise tax is hereby authorized to be levied and imposed on the storage, use or other consumption in the county of any automotive vehicle, truck, trailer, semi-trailer or house trailer

purchased at retail on or after the effective date of such tax for storage, use or other consumption in the county at the rate of not exceeding one-half of one percent of the sales price of such automotive vehicle, truck, trailer, semi-trailer or house trailer; provided, that where any used automotive vehicle, truck, trailer, semi-trailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax herein authorized to be levied shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade; and

(d) an excise tax is hereby levied and imposed on the storage, use or other consumption in the county of any machine, machinery, or equipment which is used in planting, cultivating, and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock, or poultry on farms, and the parts of such machines, machinery, or equipment, attachments and replacements therefor which are made or manufactured for use on or in the operation of such machine, machinery, or equipment, and which are necessary to and customarily used in the operation of such machine, machinery, or equipment, which is purchased at retail after the effective date of this ordinance, for the storage, use or other consumption in the county at the rate of one-half of one percent ($\frac{1}{2}\%$) of the sales price of such property within the county, regardless of whether the retailer is or is not engaged in the business in this county. Provided, however, the one-half of one percent ($\frac{1}{2}\%$) rate herein prescribed with respect to parts, attachments, and replacements shall not apply to any automotive vehicle or trailer designed primarily for public highway use, except farm trailers used primarily in the production and harvesting of agricultural commodities. Where any used machine, machinery or equipment which is used in planting, cultivating, and harvesting farm products or used in connection with the production of agricultural produce or products, livestock, and poultry on farms is taken in trade or in a series of trades as a credit or part payment on a sale of a new or used machine, machinery, or equipment, the tax levied herein shall be paid on the net difference, that is, the price of the new or used machine, machinery, or equipment sold, less the credit for the used machine, machinery, or equipment taken in trade; and

(e) an excise tax is hereby authorized to be levied and imposed on the classes of tangible personal property, and at not exceeding the rate authorized to be imposed on such classes, specified in subsections (a), (b), (c) or (d) of this section, on the storage, use or other consumption in the performance of a contract in the county of any such tangible personal property, new or used, the tax to be

measured by the sales price or the fair and reasonable market value of such tangible personal property when put into use in the county, whichever is less; provided, however, the tax authorized to be imposed by this subsection shall not apply where the taxes imposed by subsections (a), (b), (c) or (d) of this section apply.

There are exempted from the provisions of this section, and from the taxes authorized to be imposed by this section, the storage, use or other consumption of property the storage, use or other consumption of which is presently exempted under the State Use Tax Statutes from the State Use Tax. Subject to those exemptions, every person storing or using or otherwise consuming in the county tangible personal property purchased at retail on or after the effective date of such taxes shall be liable for the taxes authorized to be imposed by this section, and the liability shall not be extinguished until the tax has been paid by such person; provided, however, that a receipt from a registered seller given pursuant to Section 6 of this Act to the purchaser of any property to be used, stored or consumed in the county shall be sufficient to relieve the purchaser from further liability for a tax to which such receipt may refer.

Section 4. Payment of Taxes Herein Levied; Reports by Taxpayers. The sales tax authorized to be levied in Section 2 hereof shall be due and payable in monthly installments on or before the twentieth day of the month next succeeding the month in which the tax accrues; and the use taxes authorized to be levied in Section 3 hereof shall be due and payable quarterly on or before the twentieth day of the month next succeeding each quarterly period during which the storage, use or other consumption of the tangible personal property became taxable hereunder, each such quarterly period to end on the last day of each of the months of March, June, September and December. The sales taxes authorized to be levied in Section 2 of this Act shall be paid to and collected by the state department of revenue at the same time as and along with the payment and collection of the State Sales Tax; and the use taxes authorized to be levied in Section 3 of this Act shall be paid to and collected by the state department of revenue at the same time as and along with the payment and collection of the State Use Tax. On or prior to the due dates of the taxes herein authorized to be levied, each person subject to such taxes shall file with the state department of revenue a report or return in such form as may be prescribed by the said department, setting forth, with respect to all sales and business that are required to be used as a measure of the sales tax herein authorized to be levied, a correct statement of the gross proceeds of all such taxes and the gross receipts of all such business, and setting forth, with respect to the use taxes authorized

to be levied herein, the total sales price of all property, the use, storage or other consumption of which became subject to the said taxes during the then preceding quarterly period. Such report shall include all such other items of information pertinent to the said taxes and the amount thereof as the state department of revenue may require. Any person subject to the sales tax authorized to be levied herein may defer reporting credit sales until after their collection, and in the event he so defers reporting them, he shall thereafter include in each monthly report all credit collections made during the month preceding and shall pay the taxes due thereon at the time of filing such report. All reports or returns filed with the state department of revenue under this section shall be available for inspection by the governing body of the county or its designated agent at reasonable times during business hours.

Section 5. Sales Tax to be Added to Sales Price or Admission Fee. Each person engaging or continuing within the county in a business subject to the sales tax authorized to be levied in Section 2 hereof shall add to the sales price or admission fee and collect from the purchaser or the person paying the admission fee the amount due by the taxpayer on account of said taxes. It shall be unlawful for any person subject to the sales taxes authorized to be levied in the said Section 2 to fail or refuse to add to the sales price or admission fee and to collect from the purchaser or the person paying the admission fee the amount required to be so added to the sales or admission price and collected from the purchase, and it shall likewise be unlawful for any person subject to said taxes to refund or offer to refund all or any part of the amount so collected or to absorb or advertise directly or indirectly the absorption or refund of said taxes or any portion thereof.

Section 6. Special Provisions Respecting Payment of Use Tax; Receipts and Returns by Registered Sellers. Every registered seller making sales of tangible personal property for storage, use or other consumption in the county (which storage, use or other consumption is not exempted from the use taxes herein authorized to be levied) shall at the time of making such sale, or if the storage, use or other consumption of such tangible personal property in the county is not then subject to the taxes herein authorized to be levied, at the time such storage, use or other consumption becomes subject to the taxes herein authorized to be levied, collect the tax from the purchaser, and shall give to the purchaser a receipt therefor in the manner and form prescribed by the state department of revenue. On the twentieth day of the month next succeeding following the close of each quarterly period, each registered seller shall file with the state department of revenue a return for the then preceding quarterly period in such form as may be prescribed by the state

department of revenue showing the total sales price of the tangible personal property sold by such registered seller, the storage, use or other consumption of which became subject to the use taxes herein authorized to be imposed, during the then preceding quarterly period; and each return shall be accompanied by a remittance of the amount of the use taxes required to be collected by such registered seller during the period covered by the return; provided that any registered seller may defer collecting the taxes with respect to credit sales until collection of the proceeds of such sales and may defer reporting credit sales until after their collection, but shall thereafter collect the said taxes along with collection of said credit sales, shall include in each quarterly report all credit collections made during the preceding quarterly period and shall remit the taxes with respect thereto at the time of filing such report or return. Any person who has paid to a registered seller the tax with respect to the use, storage or other consumption of tangible personal property in the county need not file a report or make any further payment of the said tax, but each person who purchases tangible personal property the storage, use or other consumption of which is subject to the use taxes authorized to be imposed herein, and who has not paid the said use taxes due with respect thereto to a registered seller, shall report and pay said use taxes as required by Section 4 hereof. It shall be unlawful for any registered seller to fail or refuse to add to the sales price and to collect from the purchaser the amount of the use taxes authorized to be imposed herein or to refund or offer to refund or absorb, or to advertise directly or indirectly, the absorption of said use taxes or any portion thereof.

Section 7. Enforcement of This Act; Civil Suit; Taxes a Lien. The taxes authorized to be imposed by this Act shall constitute a debt due the county and may be collected by civil suit, in addition to all other methods provided by law and in this Act. The said taxes, together with interest and penalties with respect thereto, shall constitute and be secured by a lien upon the property of any person from whom said taxes are due or who is required to collect said taxes. All the provisions of the revenue laws of the state which apply to the enforcement of liens for license taxes due the state shall apply fully to the collection of the taxes herein authorized to be levied, and the state department of revenue, for the use and benefit of the county, shall collect such taxes and enforce this Act and shall have and exercise for such collection and enforcement all rights and remedies that the state department of revenue has for collection of the State Sales Tax and the State Use Tax. The state department of revenue shall have full authority to employ such special counsel as it deems necessary from time to time to enforce collection of the taxes authorized to be levied by this Act and otherwise to enforce the

provisions of this Act, including the institution, prosecution and defense of any litigation involving this Act; and the said department shall pay such special counsel such fees as it deems necessary and proper from the proceeds of the taxes collected by it hereunder.

Section 8. Applicability of State Sales and Use Tax Statutes. All provisions of the State Sales Tax Statutes with respect to payment, assessment and collection of the State Sales Tax, making of monthly reports and keeping and preserving records with respect thereto, interest after the due date of said tax, penalties for failure to pay the said tax, make reports or otherwise comply with the State Sales Tax Statutes, the promulgation of rules and regulations with respect to the State Sales Tax, and the administration and enforcement of the State Sales Tax Statutes, which are not inconsistent with the provisions of this Act, when applied to the sales tax authorized to be levied in Section 2 hereof, shall apply to the sales taxes authorized to be levied in the said Section 2; and all provisions of the State Use Tax Statutes with respect to payment, assessment and collection of the State Use Tax, making quarterly reports and keeping and preserving records with respect thereto, interest after the due date of the State Use Tax, penalties for failure to pay said tax, make reports or otherwise to comply with the State Use Tax Statutes, the promulgation of rules and regulations with respect to the State Use Tax and the administration and enforcement of the State Use Tax Statutes, which are not inconsistent with the provisions of this Act, when applied to the use taxes authorized to be levied in Section 3 hereof, shall apply to the use taxes authorized to be levied in the said Section 3. The commissioner and the state department of revenue shall have and exercise the same powers, duties and obligations, with respect to the taxes herein authorized to be levied, that are imposed on the commissioner and the said department by the State Sales Tax Statutes and the State Use Tax Statutes. All provisions of the State Sales Tax Statutes and the State Use Tax Statutes that are made applicable by this Act to the taxes herein authorized to be levied and to the administration of this Act are incorporated herein by reference and made a part hereof as if fully set forth herein.

Section 9. Charge of State Department of Revenue; Its Disposition of Tax Proceeds. The state department of revenue shall charge the county, for collecting the taxes authorized to be levied herein, the costs of the said department in collecting the said taxes; provided such charge shall not, in any event, exceed five percent of the total amount of the taxes collected hereunder. Such charge for collecting the said taxes for the county may be deducted each month from the tax proceeds collected before the amount of the said

proceeds due the county for that month is certified as provided in this section. The commissioner shall pay into the state treasury all taxes collected under this Act, as such taxes are received by the state department of revenue; and on or before the first of each successive month (commencing with the month next succeeding the month in which the said department makes the first collection of any of the taxes authorized to be levied hereunder) the commissioner shall certify to the state comptroller the amount of taxes collected under the provisions of this Act and paid by him into the state treasury for the benefit of the county during the month immediately preceding the making of such certificate and shall state separately in the said certificate the amount of the proceeds so collected from the taxes authorized to be levied in Section 2 hereof and the amount of the proceeds so collected from the taxes authorized to be levied in Section 3 hereof; provided, however, that before certifying the amount of taxes paid into the state treasury for the benefit of the county during each month, the commissioner may deduct from the taxes collected hereunder in said month the charges due the said department for collection of said taxes. It shall be the duty of the state comptroller (i) to issue his warrant each month, payable to the county in an amount equal to the amount so certified by the commissioner as having been collected for the use of the county, and (ii) to transmit to the county, along with the said warrant, a copy of the said certificate by the commissioner.

Section 10. Use of Tax Proceeds. The proceeds of any taxes herein authorized to be levied shall be paid over by the county within ten (10) days after their receipt as follows:

(a) Fifty percent (50%) shall be paid over to the county board of education;

(b) fifty percent (50%) shall be paid over to the county general fund.

Section 11. Effective Date of Levy. If the governing body of the county elects to levy or impose any of the taxes herein authorized to be levied and imposed, it shall specify, as the effective date of any such levy, the first day of the second month following such levy.

Section 12. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 13. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 25, 1980

Time: 2:30 P.M.

Act No. 80-124

H. 590—Pegues, Carothers, Bedsole,
Johnson (R.G.), Holley

AN ACT

To declare null and void any provision in an insurance contract which denies or reduces insurance benefits due to the eligibility of the insured to receive assistance under the medicaid program.

Be It Enacted by the Legislature of Alabama:

Section 1. Any provision in an insurance contract issued or renewed after the effective date of this Act by a private insurer which denies or reduces benefits due to the eligibility of the insured to receive assistance under the medicaid program is null and void.

Section 2. Private insurer is defined as (a) any commercial insurance company offering health or casualty insurance to individuals or groups (including both experience-rated insurance contracts and indemnity contracts); (b) any profit or non profit prepaid plan offering either medical services or full or partial payment for the diagnosis or treatment of an injury, disease or disability; and (c) any organization administering health or casualty insurance plans for professional associations, unions, fraternal groups, employer-employee benefit plans, and any similar organization offering these payments or services, including self insured and self funded plans.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. The provisions of this Act shall not be effective if they are found by a court of competent jurisdiction to contravene federal laws or federal regulations applicable to the Medicaid Program.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 25, 1980

Time: 2:30 P.M.

Act No. 80-125

H. 217—Campbell

AN ACT

Relating to Calhoun County; to amend Act No. 607, H. 641, 1951 Regular Session (Acts 1951, p. 1043), relating to the office of sheriff, so as to provide further for the allowance for the employment of legal services by the sheriff, and to make this act retroactively effective to June 28, 1979.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 6 of Act No. 607, H. 641, 1951 Regular Session (Acts 1951, p. 1043) is hereby amended to read as follows:

“Section 6. The Sheriff of Calhoun County may employ an attorney at law to advise and represent him and his assistants in their official capacities. Such attorney shall receive as compensation therefor such reasonable sum as the Sheriff may fix, not exceeding \$3,000.00 a year, and the same shall be paid from County funds allocated for the payment of compensation to assistants to the Sheriff. Such attorney shall serve at the pleasure of the Sheriff.”

Section 2. The provisions of this act shall be retroactive effective to June 28, 1979.

Approved March 25, 1980

Time: 2:30 P.M.

Act No. 80-126

H. 596—Pegues, Carothers, Bedsole,
Holley, Johnson (R.G.)

AN ACT

To provide that all medicaid eligible persons shall be required to pay a \$2.00 co-payment for medical services provided by a physician or other medical practitioner under the medicaid program.

Be It Enacted by the Legislature of Alabama:

Section 1. Medicaid eligible persons shall pay a \$2.00 co-payment for medical services provided by a physician or other medical practitioner under the medicaid program.

Section 2. Medical services shall include any services covered by the medicaid program and rendered by a physician or other medical practitioner.

Section 3. The \$2.00 co-payment shall be collected by the

provider of services and credited against the medicaid payment to the provider for the service.

Section 4. The provisions of this Act shall not be effective if they are found by a court of competent jurisdiction to contravene federal laws or federal regulations applicable to the Medicaid Program.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 25, 1980

Time: 2:30 P.M.

Act No. 80-127

H. 601—Pegues, Carothers, Bedsole,
Holley, Johnson (R.G.)

AN ACT

To revoke or deny medicaid eligibility for those individuals who have abused, defrauded, or in any way deliberately misused the benefits of the program.

Be It Enacted by the Legislature of Alabama:

Section 1. Upon determination by a utilization review committee of the designated state medicaid agency that a medicaid recipient has abused, defrauded, or misused the benefits of the program said recipient shall immediately become ineligible for medicaid benefits.

Section 2. Medicaid recipients whose eligibility has been revoked due to abuse, fraud or other deliberate misuse of the program shall not be deemed eligible for future medicaid services for a period of not less than one year and until full restitution has been made to the designated state medicaid agency.

Section 3. The provisions of this Act shall not be effective if they are found by a court of competent jurisdiction to contravene federal laws or federal regulations applicable to the Medicaid Program.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 25, 1980

Time: 2:30 P.M.

AN ACT

Relating to Marion County; providing for the disposal of property under the control of the county commission; providing that competitive bids must be submitted; providing for the disposition of revenues received from the sale of said property; and providing for penalties for violations.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall only apply in Marion County.

Section 2. All contracts for the sale or disposal of real property, tangible personal property, equipment or other items owned by or under the control of the county commission shall be let by free and open competitive sealed bids. The chairman of the county commission shall certify to the description and condition of said property, shall give jurisdiction in writing for the disposal of the property, shall estimate the value of the property and shall keep the certification as a part of the permanent record of the commission.

Section 2. Every proposal to make a sale covered by this act shall be publicly advertised at least twice at two-week intervals in a newspaper of county-wide circulation and a newspaper of state-wide circulation in advance of the date fixed for receiving bids. The advertisements shall state a description of the property to be sold along with the date, time and place of opening of the sealed bids.

Section 3. All bids shall be publicly owned and all bidders shall be entitled to be present in person or by representative. Any agreement or collusion among bidders or prospective bidders or any other person in restraint of freedom of competition, by any agreement to bid at a fixed price or to refrain from bidding, shall render the bids of such bidders void and shall cause such bidders to be disqualified from submitting further bids. Any disclosure prior to opening the sealed bids of the terms of a bid shall render the proceedings void.

Section 4. All proceeds from the sale or other disposition of the property under this act shall be deposited in the general fund of the county.

Section 5. Anyone who knowingly violates any provision of this act shall be guilty of a Class C felony and upon conviction shall be fined up to \$10,000 and may be imprisoned in the state penitentiary for up to five years.

Section 6. Any taxpayer of the area within the jurisdiction of

the county and any bona fide unsuccessful bidder on a particular contract shall be empowered to bring a civil action in the appropriate court to enjoin execution of any contract entered into in violation of the provisions of this act.

Section 7. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. All laws or parts of laws which conflict with this act are hereby repealed.

Section 9. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 25, 1980

Time: 2:30 P.M.

Act No. 80-129

H.J.R. 111—Smith (C), Moore, Waggoner

HOUSE JOINT RESOLUTION

COMMENDING THE MONTEVALLO HIGH SCHOOL BAND FOR EXCELLENCE.

WHEREAS, under the tutelage of Band Director Jim Weese, the Montevallo High School Band has been the recipient of numerous awards and honors in local, state and district competition; the 100-member marching band, 48-member symphonic band and the 42-member concert band are all to be most highly commended for excellence of performance; and

WHEREAS, the Band has been rated Superior in Sight Reading for seven straight years and Excellent and Superior, overall, for eight years in the ABA State Competition Festival; in addition to having several students named annually to the All-State Band, the Montevallo High School Band was also selected by state judges in 1979 as the Best Band of Class "CC" in Alabama; and

WHEREAS, Excellent and Superior ratings have been earned by the Band for nine years in marching contests in Alabama and Florida, and this year was rated All Superior in the Mid Alabama and Central Alabama Marching Festivals; further honors include Superior ratings in the University of Montevallo Band Contest for four straight years, First Place in 1977 and 1979 and Third in 1978;

now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend the Montevallo High School Band for outstanding accomplishments in competition and for civic performances in the community and surrounding areas.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Principal W. C. Corbett for appropriate school display with a copy also to Band Director Jim Weese on behalf of the entire Montevallo High School Band.

Approved March 25, 1980

Time: 2:30 P.M.

Act No. 80-130

H.J.R. 112—Kelley, Turnham

HOUSE JOINT RESOLUTION

"CONGRESSIONAL APPROVAL OF PENSION FOR WORLD WAR I VETERANS."

A Concurrent Resolution memorializing Congress to enact House of Representatives Bill 1918, a service pension for certain surviving spouses and dependent children of veterans of World War I.

WHEREAS, sixty-three years ago, the Nation declared war on Germany and Austria in defense of freedom of the seas and over four and one-half million young Americans left their jobs and classrooms to help win the war that was "To make the World safe for Democracy"; and

WHEREAS, Alabama sent 86,000 men to fight in World War I and some 8,000 of them are still living at an average age of 84 years, with a large percentage of them being house-bound and in desperate need of care; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that Congress pay the debt that America owes these needy, aged, veterans, by enacting into law H. R. 1918.

BE IT FURTHER RESOLVED that the Secretary of State be directed to transmit enrolled copies of this Resolution to the

President of the United States, the Honorable Jimmy Carter, the President of the United States Senate, the Speaker of the United States House of Representatives, and to each Member of Congress from our State.

Approved March 25, 1980

Time: 2:30 P.M.

Act No. 80-131

H.J.R. 113—Bedsole

HOUSE JOINT RESOLUTION

CONGRATULATING THE UNIVERSITY OF SOUTH ALABAMA'S GIRLS BASKETBALL TEAM.

WHEREAS, Coach Jimmy Butler, in his first season as coach of the girls basketball team, led them to a tremendous season of twenty-two wins and only eight defeats; and

WHEREAS, this season was the first time the "Lady Jags" defeated either Alabama or Auburn, and they beat each of them twice; and

WHEREAS, the University of South Alabama "Lady Jags" won the State Championship for the first time in their brief history; and

WHEREAS, this is the first time that the "Lady Jags" have participated in the Region Three Tournament; and

WHEREAS, two of the "Lady Jags", Annie Laurie Witherington and Jessie Brown, have been nominated for the Kodak All-American Team, and Annie Laurie Witherington is one of the thirty finalists for the Wade Trophy; now, therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby congratulate the University of South Alabama's Girls Basketball Team, and their coach, Mr. Jimmy Butler, for their achievements in winning the State Championship and giving the State of Alabama another national power in athletic competition.

BE IT FURTHER RESOLVED That a copy of this Resolution be sent to the "Lady Jags", and their coach, Mr. Jimmy Butler.

Approved March 25, 1980

Time: 2:30 P.M.

Act No. 80-132

H.J.R. 115—Smith (C)

HOUSE JOINT RESOLUTION

COMMENDING THE CHILTON COUNTY VOLUNTEER FIRE DEPARTMENTS, NUMBER ONE IN RURAL FIRE DEPARTMENT ORGANIZATIONS IN ALABAMA.

WHEREAS, the Chilton County Volunteer Fire Department System is composed of eleven different departments, organized by the Alabama Forestry Commission and under the direction of Coordinator Tobie Mayfield of Clanton, a Chilton County Forest Ranger; and

WHEREAS, organized during the years 1975-1979, the Chilton County system provides 100 percent fire protection coverage for all homes in Chilton County, the only Alabama County to enjoy such security; and

WHEREAS, all departments have been rated by the Insurance Services Organization and as a result, insurance rates for the entire county have dropped an average of \$20 per household; and

WHEREAS, the Chilton County Volunteer Fire Department System is rated number one of all rural fire departments organized in the State of Alabama, a designation also of the U.S. Forestry Department in an article appearing in the current issue of the Alabama Forestry Directory; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend the Chilton County Volunteer Fire Departments for their outstanding organization and for their efficiency and effectiveness in providing fire protection for all of Chilton County.

BE IT FURTHER RESOLVED, That a copy of this Resolution be forwarded to Coordinator Tobie Mayfield with copies also to all departments of the Chilton County Volunteer Fire Department System, rated number one in Alabama.

Approved March 25, 1980

Time: 2:30 P.M.

Act No. 80-133

H.J.R. 116—Bowling, Adams (C),
Adams (H), Albright, Amari,
Barton, Bedsole, Bennett,

Biddle, Blake, Boles,
 Brakefield, Buskey, Cabaniss,
 Campbell, Carothers, Carter,
 Cates, Cheatwood, Clark, Cobb,
 Coburn, Cooley, Cosby, Crow,
 Daniels, Dial, Dixon, Drinkard,
 Edwards, Ford, Gafford,
 Gilmer, Goodwin, Greer, Gregg,
 Grimsley, Grouby, Hall,
 Hammett, Harper (O),
 Harper (T), Harrison, Harvey,
 Hilliard, Hines, Holley, Holmes,
 Horn, Howard, Jackson,
 Johnson (R.G.), Johnson (Roy),
 Kelley, Kennedy, Laird,
 Langford, Letson, Lewis,
 McCorquodale, McKee,
 McMillan, Manley, Minus,
 Mitchell, Moore, Nevett, Olive,
 Owens, Parker, Patton, Payne,
 Pegues, Penry, Rains, Ray,
 Reed, Riddick, Roberts,
 Sandusky, Sasser, Seibels,
 Shavers, Shoemaker, Smith (C),
 Smith (J), Smith (M), Starkey,
 Stewart, Stout, Trammell,
 Tucker, Turner, Turnham,
 Venable, Waggoner, Ward,
 Warren, Whatley, Williams,
 Willis, Wyatt, Zoghby

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MRS. REBECCA NARAMORE.

WHEREAS, the Legislature of Alabama has been deeply saddened by the death of Mrs. Rebecca Naramore on February 29, 1980, at the age of 74; and

WHEREAS, Mrs. Rebecca Naramore, the beloved mother of our friend Alvis Naramore, was a resident of Walker County and the Cedrum Community for some 35 years; and

WHEREAS, though profoundly devoted to her family, Mrs. Naramore's goodness and warmth extended to include a large circle of neighbors and friends, all of whom returned her love in great and bountiful measure; and

WHEREAS, Mrs. Rebecca Naramore was a devout Christian, a compassionate and gracious lady who will be long remembered with love by all those whose lives she touched; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mrs. Rebecca Naramore and extend heartfelt sympathy to her husband, Mr. Claude Naramore, to her son and our good friend, Alvis Naramore, and other family members to whom copies of this resolution shall be sent that they may know we truly share the sorrow of their great loss.

Approved March 25, 1980

Time: 2:30 P.M.

Act No. 80-134

S. 262—Smith

AN ACT

Relating to the existence and functioning of the Alabama Dairy Commission provided for in Sections 2-13-40 through 2-13-66 of the Code of Alabama 1975, and as otherwise provided by law; amending Sections 2-13-50 and 2-13-56 of the Code of Alabama 1975, which sections relate to bonding requirements for distributors and handlers of milk and dairy producers and price hearings, so as to increase the maximum bonding requirement for distributors, dealers, processors and handlers of milk and dairy products; to provide for price hearings to allow a single hearing for the entire state; and to repeal existing laws.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the "Alabama Sunset Act of 1976," Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended by Act No. 79-542, S. 258 of the 1979 Regular Session, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Alabama Dairy Commission. Based on its review and evaluation of the said agency, the Sunset Committee voted to recommend the continuance of the said commission, created and functioning pursuant to Sections 2-13-40 through 2-13-66 of the Code of Alabama 1975, with the additional provisions to: (a) increase the maximum bonding requirement to \$200,000 for distributors, dealers, processors and handlers of milk and dairy products; (b) to authorize price hearings for the entire state in lieu of present marketing areas; and (c) to repeal conflicting laws.

Section 2. The existence and functioning of the Alabama Dairy Commission pursuant to Sections 2-13-40 through 2-13-66 of

the Code of Alabama 1975, are hereby continued.

Section 3. Sections 2-13-50 and 2-13-56 of the Code of Alabama 1975, are hereby amended to read as follows:

“§2-13-50. (a) The dairy commission shall have the power to fix minimum or maximum prices or both for fluid milk and fluid-milk products within each respective milk-marketing area at any or all points in the production-consumption sequence of transactions. Such prices shall apply to all sales in each area, whether at wholesale or retail, regardless of where the milk is produced.

“(b) The commission shall also have the power to fix minimum or maximum charges or both within each respective milk-marketing area for any service or function related to the production and marketing of milk, when such charges are involved in transactions between or among licensees.

“(c) The commission shall regularly conduct studies of all pertinent factors to determine what reasonable costs must be considered in establishing price controls most conducive to maintaining an adequate supply of wholesome milk for consumers in Alabama. For this purpose, the commission may employ independent accountants or accounting firms and authorize them to study, examine and reproduce any and all records of licensees engaged in any aspect of the milk industry in Alabama.

“(d) In fixing minimum prices for milk in its various grades and uses, the commission shall determine what reasonable costs are incurred by producers and producer associations and shall consider the relationship of supply and demand as well as other economic and logistic conditions existing in the several markets and localities throughout the state. Different minimum prices may be fixed for milk produced in different areas but sold in the same area or for milk produced in one area and sold in other areas, depending on distances involved or on other logistic or economic variables. The minimum prices established for milk in any of its forms, grades or uses shall not be higher than is reasonably necessary to cover the costs of ordinarily efficient and economic operations, plus a reasonable return on investment.

“Reasonable costs incurred by each store handling fluid-milk products in a given area may be determined by surveying a representative sample of all similar stores in the area.

“At stores handling other commodities in addition to fluid-milk products, in the absence of satisfactory evidence to the contrary, costs of handling milk may be applied on the same basis as costs

applied to the business as a whole.

“(e) Before fixing prices for milk or charges for services, the commission shall hold public hearings either in the marketing area or areas affected, or, in its discretion, at a single hearing for the entire state, and hear evidence under oath relative to the prices or charges to be fixed. Notice of such hearing or hearings shall be given to interested parties, including consumers, by announcement published in a newspaper having general circulation within the area or areas affected. Such announcement shall appear at least once, not less than 10 days nor more than 30 days prior to the date set for the hearing or hearings. Such publication shall be deemed sufficient and legal notice to all persons required by this article to be notified, except that members of the legislature shall be notified of such hearings by mail at least ten (10) days prior to the hearing date.

“(f) At price-control hearings, consumers shall be entitled to offer evidence and to be heard the same as persons engaged in the milk industry. In fixing prices and charges, each commissioner may consider matters within his own knowledge and within the knowledge of the commission as a whole as well as pertinent or related matters occurring in other milk-marketing areas within or outside the state. After conducting such public hearings, the commission may, at its discretion, take under advisement the evidence and matters submitted to it, deliberate in private and render a decision at a later date.

“(g) After holding such public hearings, deliberating and making such other investigation deemed advisable and after preparing a written finding of facts, the commission may issue an official order fixing reasonable prices and charges.

“(h) The commission may, upon its own initiative or upon application, from time to time, amend or revise orders fixing prices or charges, but shall hold a hearing or hearings and shall follow the same procedures as required in originally fixing the prices or charges. Such orders may be reviewed by certiorari in the same manner as other orders and regulations of the commission.

“(i) After considering evidence at a public hearing or hearings, the commission may adopt and put into full force and effect an economic formula for adjusting minimum producer prices in response to changes in pertinent economic indices. Changes in minimum producer prices resulting from application of such an economic formula shall be effective and enforceable the same as if they had been expressly set by the commission as a result of a public hearing or hearings.

"If the commission should adopt such an economic formula, it may, in the public interest, temporarily suspend application of the formula or it may amend or revoke the formula. Action to amend or revoke the formula shall be taken only after receiving evidence at a public hearing or hearings."

"§2-13-56. (a) For the purpose of this section, the words 'distributor,' 'producer-distributor' and 'processor' shall include subsidiaries and affiliates of a parent distributor, producer-distributor or processor, whether they are individually incorporated or are divisions of the parent organization. For the purpose of this section, the word 'principal' means any person required to file a bond with the commission.

"(b) It shall be unlawful for a distributor, producer-distributor, dealer, processor or handler to purchase, acquire or receive milk from producers on consignment or otherwise unless such person shall file with the commission a corporate surety, individual surety or collateral bond approved by the commission.

"(c) A corporate surety bond shall be executed to the state of Alabama by the principal and by a corporate surety company. An individual surety bond shall be executed to the state of Alabama by the principal and by one or more individuals, as surety or sureties, who shall have sole title to real estate, the fair value of which, free and clear or in excess of all encumbrances, shall be at least equal to the amount of the bond. A collateral bond shall be executed to the state of Alabama by the principal setting forth therein the collateral posted with such bond and having attached thereto the collateral properly assigned and transferred to the state of Alabama. The collateral posted with such bond shall be secured by an actual deposit of money with the commission or with a bank, bank and trust company or national bank within the state of Alabama to the full amount of the bond or by securities to such amount consisting of interest-bearing obligations of the United States government, of this state or of any political subdivision of this state or by any other security or securities approved by the commission. The security or securities deposited shall constitute a trust fund for producers from whom the principal purchases or receives milk.

"(d) Only one bond need be filed by a parent organization to cover two or more subsidiary principals operating in Alabama.

"(e) The commission may grant to any principal the privilege of substituting for his bond, surety or collateral another bond, surety or collateral; provided, that such substitute bond, surety or collateral meets all the requirements of this section.

“(f) The bond required by this section shall be filed by the principal together with his application for license or renewal of license within the time for filing such application. The bond shall be an obligation independent of the granting of a license and shall remain in full force and effect during the designated license year as long as the principal purchases or receives milk from producers or is indebted to them for any milk delivered during the license year, whether or not a license has been granted to the principal or whether or not a license granted continues to remain in force.

“(g) Any bond filed with the commission shall become effective upon being filed, whether or not it is approved by the commission. The commission shall have no power to reject any corporate surety bond issued by a company authorized to do business in the state as surety. A bond filed with the commission shall be effective for the entire license year or for that part of the year in which the principal became engaged in the milk business. Such bond shall become ineffective during the license year only when it has been replaced by a bond approved by the commission to be substituted therefor.

“(h) The bond shall be conditioned for payment by the principal, upon such terms and conditions as the commission may prescribe, of all amounts due under this article and the orders of the commission for milk purchased or otherwise acquired from producers by the principal during the license year. Within a reasonable time after the close of the license year, the commission shall determine if the principal has paid all amounts protected by the bond and shall then return to the principal his bond for the past license year. The commission shall have the power, in its discretion, to institute a civil action on the bond on behalf of producers with unpaid claims. Such civil action may be brought in the name of the commission or of the attorney general or of the state of Alabama or in any manner as debts are now recoverable by law.

“(i) Except as otherwise provided in this section, the bond shall be in a sum equal to the value of the highest aggregate amount of milk purchased, acquired or received by the principal from producers in any one month during the preceding calendar year, including that purchased, acquired or received from out-of-state producers for sale as fluid milk within Alabama. Value shall be computed according to lawful prices for milk produced in Alabama and according to any applicable official prices or any lawful contract for milk produced outside Alabama, but in no event shall the bond exceed \$200,000.00.

“(j) When required by the commission, a principal shall submit a verified statement of his disbursements and any other

required information for periods prescribed by the commission. Such statements shall include the names of producers from whom milk was purchased, acquired or received, on consignment or otherwise, the amounts due producers and any other relevant facts required by the commission pertinent to the principal's surety or sureties.

"(k) If it shall appear from the principal's statement of disbursements or from facts otherwise ascertained by the commission that the principal's bond does not adequately protect the producers who supply him with milk, the commission may require the principal to furnish an additional bond, additional surety or additional security for a collateral bond in a sum to be determined by the commission. Such sum shall not exceed 50 percent of the value of the highest aggregate amount of milk purchased, acquired or received, on consignment or otherwise, by the principal from producers in any one month during the preceding or current year, which value shall be computed according to the prices applicable, or such sum shall not exceed 50 percent of the amount found to be due and owing to producers by the principal on a particular date determined by the commission, whichever sum is greater. The total increase, however, shall not exceed \$50,000.00. If the principal involved pays producers in full each week, the total increase shall be not more than 25 percent of the value of milk or the amount owed, whichever is greater, not to exceed \$25,000.00.

"(l) The commission may grant a reduction of the bond or the collateral or release an additional surety if it appears that, owing to a decrease in demand or to other factors, such a reduction in bond, surety or collateral will still leave producers adequately protected.

"(m) All bonds, together with any moneys or securities given as collateral therefor, received by the commission from principals pursuant to the provisions of this section shall be transmitted by the commission to the state treasurer for safekeeping, subject to withdrawal in whole or in part at any time by the commission.

"(n) The principal shall be entitled to all moneys received by the state treasurer as interest or dividends upon any security or securities deposited by the principal as collateral, except if the commission has on file a valid, unpaid claim of a producer against the principal.

"(o) The commission shall prescribe the procedure for the payment, out of the proceeds of any bond or collateral required by this section, of the amounts due to producers and others for sales or deliveries of milk to the principal. If the proceeds of a principal's

bond or collateral are insufficient to pay in full all valid claims, the proceeds shall be divided pro rata among the claimants.

“(p) A cooperative agricultural association or corporation organized under the laws of Alabama, or an association organized under the laws of Alabama in which producers hold membership or an association organized under the laws of Alabama which holds written authority from producers to act as agent or representative in purchasing or marketing producer milk shall be deemed a producer within the provisions of this section and shall be entitled to its benefits. Such an association or corporation, if operated for the benefit of producers under contract with it and not conducted for profit, shall not be required to file a bond under the provisions of this section.”

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 25, 1980

Time: 2:25 P.M.

Act No. 80-135

S. 263—Parsons, Holmes,
deGraffenried, Keener and Hall

AN ACT

To repeal Sections 23-2-80 through 23-2-104 of the Code of Alabama 1975, so as to terminate the existence and functioning of the Dauphin Island Bridge Authority; and to provide for an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the “Alabama Sunset Act of 1976,” Sections 41-20-1 through 41-20-16, Code of Alabama, 1975, as amended by Act No. 79-542, S. 258 of the 1979 Regular Session, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Dauphin Island Bridge Authority. Based on its review and evaluation of said authority, the Sunset Committee voted to recommend the termination of the Dauphin Island Bridge Authority, created and functioning pursuant to Sections 23-2-80 through 23-2-104 of the Code of Alabama 1975, and hereby recommends the termination of the said authority and the repeal of

all provisions of law pertaining thereto.

Section 2. The legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this Act.

Section 3. Sections 23-2-80 through 23-2-104 of the Code of Alabama 1975, relating to the Alabama Dauphin Island Bridge Authority, are hereby repealed.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. The provisions of this act shall become effective on October 1, 1980.

Approved March 25, 1980.

Time: 2:25 P.M.

Act No. 80-136

S. 264—Parsons, Holmes,
deGraffenried, Keener and Hall

AN ACT

To repeal Sections 23-2-1 through 23-2-26 of the Code of Alabama 1975, so as to terminate the existence and functioning of the Alabama Turnpike Authority; provide for an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the "Alabama Sunset Act of 1976," Sections 41-20-1 through 41-20-16, as amended by Act No. 79-542, S. 258 of the 1979 Regular Session, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Alabama Turnpike Authority. Based on its review and evaluation of the said agency, the Sunset Committee voted to recommend the termination of the Alabama Turnpike Authority, created and functioning pursuant to Sections 23-2-1 through 23-2-26 of the Code of Alabama 1975, and hereby recommends the termination of the said agency and the repeal of all provisions of law pertaining thereto.

Section 2. The legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this Act.

Section 3. Sections 23-2-1 through 23-2-26 of the Code of Alabama 1975, relating to the Alabama Turnpike authority, are hereby repealed.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. The provisions of this act shall become effective on October 1, 1980.

Approved March 25, 1980

Time: 2:25 P.M.

Act No. 80-137

S. 265—Parsons

AN ACT

Relating to radiation control; and relating to the existence and functioning of the State Radiation Control Agency and the Radiation Advisory Board provided for in Sections 22-14-1 through 22-14-15, Code of Alabama 1975 and Act No. 79-105, H. 176 of the 1979 Regular Session.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the "Alabama Sunset Act of 1976," Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended by Act No. 79-542, S. 258 of the 1979 Regular Session, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the State Radiation Control Agency and the Radiation Advisory Board. Based on its review and evaluation of the said agency, the Sunset Committee voted to recommend the continuance of the said agency and board, created and functioning pursuant to Sections 22-14-1 through 22-14-15, Code of Alabama 1975, and Act No. 79-105, H. 176 of the 1979 Regular Session, and hereby recommends the continuance of the said agency and board and all provisions of law pertaining thereto.

Section 2. The legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this act.

Section 3. Sections 22-14-1 through 22-14-15, Code of Alabama 1975, and Act No. 79-105, H. 176 of the 1979 Regular

Session, relating to radiation control and the State Radiation Control Agency and the Radiation Advisory Board are hereby continued.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 25, 1980

Time: 2:25 P.M.

Act No. 80-138

S. 266—Parsons

AN ACT

Relating to the existence and functioning of the Alabama water well standards board provided for in Sections 22-24-1 through 22-24-12 of the Code of Alabama 1975, and as otherwise provided by law; amending Sections 22-24-3, 22-24-8 and 22-24-10 of the Code of Alabama 1975, which Sections relate to the board membership, its rules and regulations, and its financial matters, so as to require that: one member be a non-industry person; the board must enforce its own rules and regulations and make certain notification requirements, to require the Board to remit surplus funds to the General Fund and repealing Section 22-24-6 of the Code of Alabama 1975, which section requires surety bond from applicants.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the "Alabama Sunset Act of 1976," Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended by Act No. 79-542, S. 258 of the 1979 Regular Session, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Alabama water well standards board. Based on its review and evaluation of the said agency, the Sunset Committee voted to recommend the continuance of the said authority, created and functioning pursuant to Sections 22-24-1 through 22-24-12 of the Code of Alabama 1975, with the additional provisions to: (a) reconstitute the board so as to have a non-industry person represented; (b) require the board to notify local health authorities within a prescribed time; (c) require the Board to remit surplus

funds to the General Fund; and (d) require the board to enforce those rules and regulations it promulgates. It is additionally recommended that Section 22-24-6 of the Code of Alabama 1975, requiring a \$1,000 surety bond for each applicant, be repealed.

Section 2. The legislature concurs in the recommendations of the Sunset Committee provided in Section 1 of this Act.

Section 3. The existence and functioning of the Alabama water well standards board pursuant to Sections 22-24-1, 22-24-2, 22-24-4, 22-24-5, 22-24-7, 22-24-9 through 22-24-12 of the Code of Alabama 1975, are hereby continued.

Section 4. Sections 22-24-3, 22-24-8 and 22-24-10 of the Code of Alabama 1975, are hereby amended to read as follows:

“Section 22-24-3. (a) There is hereby created and established a board to be known as the Alabama water well standards board, consisting of seven members, including the director and state geologist, who shall be ex officio members of said board, and five persons actively engaged in the drilling of water wells. Two board members shall reside north of a line which crosses the state along highway 80 east of Montgomery and highway 82 west of Montgomery, and two board members shall reside south of this line, and one board member shall be selected from the state at large. Provided, however, the first vacancy of the board, after the effective date of this act, shall be filled by a non-industry person, and, thereafter, the board shall have only four persons actively engaged in the drilling of water wells. Four board members shall be appointed by the governor from a list of water well contractors from Alabama provided to him by the Alabama Water Well Contractors Association, Inc. Each board member shall be appointed to serve for a term of two years. All board members shall be holders of licenses as well drillers, except the non-industry board member. All such appointed board members shall have been actively engaged in the drilling of water wells in the state of Alabama for a period of five years prior to their appointment. Any vacancy on the board which may occur from any cause shall be filled by appointment from the affected geographic division for the unexpired term in the same manner as regular appointments are made, and their tenure of office shall be maintained as provided in this section.

“(b) The director, as defined in section 22-24-1, shall serve as chairman, and the state geologist shall serve as secretary of the board, which shall meet at least one time annually and at such other times and places as determined by the board as being expedient to conduct the business of the board. A quorum shall consist of five

members of the board.

“(c) No salary or compensation shall be allowed any member of the board for services thereon; however, this shall not be construed to affect in any way the regular compensation of the ex officio members, their advisory services on the board being considered a part of their regular and official duties. Travel, subsistence and other expense incurred by the members in the discharge of their official duties as members of the board, and by direction or request of the board, shall be paid as provided by article 2 of chapter 7 of Title 36 of this Code from any funds which are or may become available to the board for the purposes of this chapter.

“(d) The board is authorized and directed to make, promulgate and publish such rules and regulations as it deems reasonable and necessary to effectuate and carry out the purpose and provisions of this chapter, and a true copy of such rules and regulations shall be kept on file with the secretary of state and copies thereof shall be made available for public distribution. The board shall cause all rules and regulations it promulgates to be enforced.

“Section 22-24-8. It shall be unlawful and a violation of this chapter to drill a water well within the state of Alabama unless the following provisions are complied with:

“(1) The driller of the water well shall be licensed as provided in section 22-24-5.

“(2) The driller shall, at all times during the drilling of a water well, keep posted in a conspicuous location, at or near the well being drilled or on his person, the appropriate license certificate as furnished by the board.

“(3) Before the commencement of the drilling operation, the driller shall file an application of intent to drill a water well, as directed by the board.

“(4) The driller of the well, within 30 days after completion of the drilling of each water well, shall deliver to the board, upon forms to be supplied by the board, a ‘report of well drilled.’ The board shall notify the local health authorities within 7 days of the receipt thereof.

“(5) The driller shall furnish a log and a set of samples to the state geological survey from wells specifically designated by the board or state geologist. The samples shall be collected during the drilling at intervals of not more than 10 feet.

"Section 22-24-10. All moneys received from the execution of the provisions of this chapter shall be remitted to the treasurer of the state, who shall hold such moneys in a special fund to be known as the well driller's licensing fund, to be used by the director to administer and enforce the provisions of this chapter and pay the expenses of the board as authorized in this chapter. Such fund shall be subject at all times to the warrant of the state comptroller, drawn upon the written requisition of the director and attested to by the secretary of the board. Any money held by the state treasurer in the well driller's licensing fund at the end of each fiscal year in excess of \$10,000.00 shall be paid into the general fund of the state.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. Section 22-24-6 of the Code of Alabama 1975, is hereby specifically repealed and all laws or parts of laws which conflict with this act are repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 25, 1980

Time: 2:25 P.M.

Act No. 80-139

S. 267—Parsons, Holmes,
deGraffenried, Keener and Hall

AN ACT

To repeal Sections 23-2-40 through 23-2-64 of the Code of Alabama 1975, so as to terminate the existence and functioning of the State Toll Bridge Authority; and to provide for an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the "Alabama Sunset Act of 1976," Sections 41-20-1 through 41-20-16, as amended by Act No. 79-542, S. 258 of the 1979 Regular Session, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the State Toll Bridge Authority. Based on its review and evaluation of the said agency, the Sunset Committee voted to recommend the termination of the State Toll Bridge Authority, created and functioning pursuant to

Sections 23-2-40 through 23-2-64 of the Code of Alabama 1975, and hereby recommends the termination of the said agency and the repeal of all provisions of law pertaining thereto.

Section 2. The legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this Act.

Section 3. Sections 23-2-40 through 23-2-64 of the Code of Alabama 1975, relating to the State Toll Bridge Authority, are hereby repealed.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. The provisions of this act shall become effective on October 1, 1980.

Approved March 25, 1980

Time: 2:25 P.M.

Act No. 80-140

S. 268—Parsons

AN ACT

To change the name of the Board for distribution and delivery of dead bodies to the "State of Alabama Anatomical Board"; to allow said board to solicit dead bodies; to continue the existence and functioning of said board as provided in Sections 22-19-21 and 22-19-23 through 22-19-30 of the Code of Alabama 1975; and to amend Sections 22-19-20 and 22-19-22 of the Code of Alabama 1975, relating to the name of the board and the delivery of dead bodies.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the "Alabama Sunset Act of 1976," Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended by Act No. 79-542, S. 258 of the 1979 Regular Session, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Board for distribution and delivery of dead bodies. Based on its review and evaluation of the said agency, the Sunset Committee voted to recommend continuing the board created and functioning pursuant to Sections 22-19-20 through 22-19-30 of the Code of Alabama 1975, with the additional

recommendations that the name be changed to the "State of Alabama Anatomical Board"; and to allow the board to solicit dead bodies.

Section 2. The legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this act.

Section 3. The existence and functioning of the board for the distribution and delivery of dead bodies, created and functioning pursuant to Sections 22-19-21 and 22-19-23 through 22-19-30 of the Code of Alabama 1975, are hereby continued.

Section 4. Sections 22-19-20 and 22-19-22 of the Code of Alabama 1975, are hereby amended to read as follows:

"Section 22-19-20. The state health officer, the dean of the school of medicine and the head of the department of anatomy of the University of Alabama in Birmingham and the deans and heads of the departments of anatomy of other medical schools which may hereafter become incorporated under the laws of this state shall be constituted as a board for the distribution and delivery of dead bodies, known as 'State of Alabama Anatomical Board.' The professor of anatomy in the medical school of the University of Alabama, in Birmingham, shall serve as secretary.

"Section 22-19-22. All public officers of this state and their assistants and all officers and their deputies of every county, city, town or other municipality and of every prison, penitentiary, morgue and public hospital in this state having charge or control over any dead human body or bodies, not dead from any contagious or infectious disease and required to be buried at public expense, are required to notify the said anatomical board, or such person or persons as may from time to time be designated in writing by said board or its duly authorized officers, whenever any such body or bodies come into their possession, charge or control and shall, without fee or reward, deliver such body or bodies and suffer said board and its duly authorized agents, who may comply with the provisions of this article, to take and remove all such bodies to be used only within this state solely for the advancement of medical science. The State of Alabama Anatomical Board is expressly authorized to solicit dead bodies, for the purposes of scientific studies, from appropriate authorities within the jurisdiction of each county governing body."

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this

act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 25, 1980

Time: 2:25 P.M.

Act No. 80-141

S. 269—Holmes

AN ACT

Relating to aeronautics; and relating to the existence and functioning of the Alabama department of aeronautics and the Alabama aeronautics commission provided for in Sections 4-2-30 through 4-2-51 and 4-2-70 through 4-2-80 and 4-2-90 through 4-2-95, Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the "Alabama Sunset Act of 1976," Sections 41-20-1 through 41-20-16, as amended by Act No. 79-542, S. 258 of the 1979 Regular Session, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Alabama department of aeronautics and the Alabama aeronautics commission. Based on its review and evaluation of the said agency, the Sunset Committee voted to recommend the continuance of the said department and commission, created and functioning pursuant to Sections 4-2-30 through 4-2-51, and 4-2-70 through 4-2-80 and 4-2-90 through 4-2-95 of the Code of Alabama 1975, and hereby recommends the continuance of the said agencies and all provisions of law pertaining thereto.

Section 2. The legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this act.

Section 3. Sections 4-2-30 through 4-2-51 and 4-2-70 through 4-2-80 and 4-2-90 through 4-2-95 of the Code of Alabama 1975, relating to the Alabama department of aeronautics and the Alabama aeronautics commission are hereby continued.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this

act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 25, 1980

Time: 2:25 P.M.

Act No. 80-142

S. 270—Holmes

AN ACT

Relating to the existence and functioning of the Alabama Highway Authority provided for in Sections 23-1-150 through 23-1-160 of the Code of Alabama 1975, and as otherwise provided by law.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the "Alabama Sunset Act of 1976," Sections 41-20-1 through 41-20-16, as amended by Act No. 79-542, S. 258 of the 1979 Regular Session, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Alabama Highway Authority. Based on its review and evaluation of said agency, the Sunset Committee voted to recommend the continuance of the said authority, created and functioning pursuant to Sections 23-1-150 through 23-1-160 of the Code of Alabama 1975, and hereby recommends the continuance of the said agency and all provisions of law pertaining thereto.

Section 2. The legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this Act.

Section 3. Sections 23-1-150 through 23-1-160 of the Code of Alabama 1975, relating to the Alabama Highway Authority are hereby continued.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 25, 1980

Time: 2:25 P.M.

Act No. 80-143

S. 271—Holmes

AN ACT

Relating to the existence and functioning of the Alabama Highway Finance Corporation provided for in Sections 23-1-170 through 23-1-181 of the Code of Alabama 1975, and as otherwise provided by law.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the "Alabama Sunset Act of 1976," Sections 41-20-1 through 41-20-16, as amended by Act No. 79-542, S. 258 of the 1979 Regular Session, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Alabama Highway Finance Corporation. Based on its review and evaluation of the said agency, the Sunset Committee voted to recommend the continuance of the said authority, created and functioning pursuant to Sections 23-1-170 through 23-1-181 of the Code of Alabama 1975, and hereby recommends the continuance of the said agency and all provisions of law pertaining thereto.

Section 2. The legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this Act.

Section 3. Sections 23-1-170 through 23-1-181 of the Code of Alabama 1975, relating to the Alabama Highway Finance Corporation are hereby continued.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 25, 1980

Time: 2:25 P.M.

Act No. 80-144

S. 273—Smith

AN ACT

Relating to the existence and functioning of the state board of pensions and security provided for in Title 38 of the Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the "Alabama Sunset Act of 1976," Sections 41-20-1 through 41-20-16 of the Code of Alabama 1975, as amended by Act No. 79-542, S. 258 of the 1979 Regular Session, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the state board of pensions and security. Based on its review and evaluation of the said board, the Sunset Committee voted to recommend the continuance of the said department, created and functioning pursuant to Title 38 of the Code of Alabama 1975, and hereby recommends the continuance of the said board and all provisions of law pertaining thereto.

Section 2. The legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this Act.

Section 3. Title 38 of the Code of Alabama 1975, relating to the board of pensions and security of the State of Alabama is hereby continued.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 25, 1980

Time: 2:25 P.M.

Act No. 80-145

S. 274—Smith

AN ACT

Relating to the existence and functioning of the department of insurance of the State of Alabama, provided for in Title 27 of the Code of Alabama 1975, and Act No. 79-661, S. 100 of the 1979 Regular Session, and as otherwise provided by law.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the "Alabama Sunset Act of 1976," Sections 41-20-1 through 41-20-16 of the Code of Alabama 1975, as amended by Act No. 79-542, S. 258 of the 1979 Regular Session, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the department of insurance of the State of Alabama. Based on its review and evaluation of the said agency, the Sunset Committee voted to recommend the continuance of the said department, created and functioning pursuant to Title 27 of the Code of Alabama 1975, and Act No. 79-661, S. 100 of the 1979 Regular Session, and hereby recommends the continuance of the said department and all provisions of law pertaining thereto.

Section 2. The legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this act.

Section 3. Title 27 of the Code of Alabama 1975, relating to the department of insurance of the State of Alabama is hereby continued.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 25, 1980

Time: 2:25 P.M.

Act No. 80-146

S. 275—Smith

AN ACT

Relating to the existence and functioning of the state health planning and development agency provided for in Sections 22-4-1 through 22-4-17 and 22-21-260 through 22-21-277 of the Code of Alabama 1975, and Act No. 79-577, H. 52 of the 1979 Regular Session, and as otherwise provided by law.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the "Alabama Sunset Act of 1976," Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended by Act No. 79-542, S. 258 of the 1979 Regular Session, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the state health planning and development agency. Based on its review and evaluation of the said agency, the Sunset Committee voted to recommend the continuance of the said agency, created and functioning pursuant to Sections 22-4-1 through 22-4-17 and 22-21-160 through 22-21-277 of the Code of Alabama 1975, and Act No. 79-577, H. 52 of the 1979 Regular Session, and hereby recommends the continuance of the said agency and all provisions of law pertaining thereto.

Section 2. The legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this Act.

Section 3. Sections 22-4-1 through 22-4-17 and 22-21-260 through 22-21-277 of the Code of Alabama 1975, and Act No. 79-577, H. 52 of the 1979 Regular Session, relating to the state health planning and development agency, are hereby continued.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 25, 1980

Time: 2:25 P.M.

Act No. 80-147

S. 277—Smith

AN ACT

To prescribe the manner and method the Governor's Committee on Employment of the Handicapped shall report to the Governor and the legislature, and the minimum data required; and to continue the existence and functioning of the said Committee as provided by Sections 21-5-1 through 21-5-9 of the Code of Alabama, 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the "Alabama Sunset Act of 1976," Sections 41-20-1 through 41-20-16 of the Code of Alabama, 1975, as amended by Act No. 79-542, S. 258 of the 1979 Regular Session, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Governor's Committee on Employment of the Handicapped. Based on its review and evaluation of the said Committee, the Sunset Committee voted to recommend continuing the Governor's Committee on Employment of the Handicapped, created and functioning pursuant to Sections 21-5-1 through 21-5-9 of the Code of Alabama, 1975, with an additional provision that the said Governor's Committee shall provide an annual report to the Governor and the legislature containing certain measurable data.

Section 2. The legislature of Alabama concurs in the recommendation of the Sunset Committee provided in Section 1 of this Act.

Section 3. The existence and functioning of the Governor's Committee on Employment of the Handicapped, created and functioning pursuant to Sections 21-5-1 through 21-5-9 of the Code of Alabama, 1975, are hereby continued.

Section 4. The Committee shall make a form of evaluation and shall make an annual report to the Governor and the legislature, including therein suggestions and recommendations for protecting and improving the state's effectiveness in employing or helping to employ handicapped individuals. The annual report and evaluation shall be submitted to the Governor and the legislature at least thirty days prior to the convening of the Regular Session for the year. The report shall include statistics on: (1) Total number of handicapped individuals in Alabama; (2) number seeking employment; (3) number receiving employment through efforts of the Governor's Committee; (4) a listing of accomplishments resulting from actions taken by the Committee; and (5) any other supportive data that can be used to measure the effectiveness of the actions of the Committee.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 25, 1980

Time: 2:25 P.M.

Act No. 80-148

S. 280—Smith

AN ACT

Relating to the contingent existence and functioning of the Alabama Dairy Commission, provided for in Sections 2-13-40 through 2-13-66 of the Code of Alabama 1975, and as otherwise provided by law.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the "Alabama Sunset Act of 1976," Sections 41-20-1 through 41-20-16, as amended by Act No. 79-542, S. 258 of the 1979 Regular Session, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence, under certain contingencies as herein below described, and functioning of the Alabama Dairy Commission. Based on its review and evaluation of the said agency, the Sunset Committee voted to recommend the contingent continuance of the said authority, created and functioning pursuant to Sections 2-13-40 through 2-13-66 of the Code of Alabama 1975, and hereby recommends the continuance of the said agency and all provisions of law pertaining thereto as specifically set out in Section 3 of this act.

Section 2. The legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this act.

Section 3. The Alabama Dairy Commission established and functioning pursuant to sections 2-13-40 through 2-13-66, Code of Alabama 1975, shall continue in existence until such time as is implemented a statewide federal milk marketing order, at which time the commission shall be phased out with the exception that audits that are in process shall be completed by Dairy Commission auditors and results turned over to the successors of the Dairy

Commission. Also, all residual funds in Dairy Commission accounts shall be returned in an equitable manner to the licensees based upon the amount paid to Dairy Commission by such licensees. Provided further, however, that if the Federal Milk Marketing Orders have not been issued and approved by January 1, 1982, then the commission shall remain in existence until the Alabama Sunset Committee further reviews said commission, which review shall be made prior to the opening of the 1982 Regular Session of the Legislature.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 25, 1980

Time: 2:25 P.M.

Act No. 80-149

S. 282—Smith

AN ACT

Relating to the provisions of the "Alabama Sunset Act of 1976," Sections 41-20-1 through 41-20-16 of the Code of Alabama, 1975, as amended by Act No. 79-542, S. 258 of the 1979 Regular Session, and the provisions' applicability to the Alabama Water Improvement Commission, created by Sections 22-22-1 through 22-22-14 of the Code of Alabama, 1975, as amended, so as to state the recommendation of the Sunset Committee to continue the existence of such Commission; and to provide the continued existence of the Alabama Water Improvement Commission.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the "Alabama Sunset Act of 1976," Sections 41-20-1 through 41-20-16 of the Code of Alabama, 1975, as amended by Act No. 79-542, S. 258 of the 1979 Regular Session, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Water Improvement Commission. Based on its review and evaluation of the said Commission, the Sunset Committee voted to recommend continuing the Alabama Water Improvement Commission, created and functioning pursuant to Sections 22-22-1

through 22-22-14 of the Code of Alabama, 1975, as amended in part by Act No. 79-277, S. 16 of the 1979 Regular Session, and hereby recommends the continuance of the said Commission and all provisions of law pertaining thereto.

Section 2. The legislature of Alabama concurs in the recommendation of the Sunset Committee provided in Section 1 of this Act.

Section 3. The existence and functioning of the Alabama Water Improvement Commission, as provided by Sections 22-22-1 through 22-22-14 of the Code of Alabama, 1975, as last amended, are hereby continued.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 25, 1980

Time: 2:25 P.M.

Act No. 80-150

S. 283—Smith

AN ACT

Relating to state health authorities; and relating to the existence and functioning of the State Board of Health and the State Committee on Public Health provided for in Sections 22-2-1 through 22-2-14, and 20-2-90, 11-50-241, 11-50-291, 11-50-323, 11-50-372, 11-89-19 and Title 22, Chapter 4 of the Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the "Alabama Sunset Act of 1976," Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended by Act No. 79-542, S. 258 of the 1979 Regular Session, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the State Board of Health and the State Committee on Public Health. Based on its review and evaluation of the said agency, the Sunset Committee voted to recommend the continuance of the said Board and Committee, created and functioning pursuant

to Sections 22-2-1 through 22-2-14, and 20-2-90, 11-50-241, 11-50-291, 11-50-323, 11-50-372, 11-89-19 and Title 22, Chapter 4 of the Code of Alabama 1975, and hereby recommends the continuance of the said agencies and all provisions of law pertaining thereto.

Section 2. The legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this act.

Section 3. Sections 22-2-1 through 22-2-14, and 20-2-90, 11-50-241, 11-50-291, 11-50-323, 11-50-372, 11-89-19 and Title 22, Chapter 4 of the Code of Alabama 1975, relating to the State Board of Health and the State Committee on Public Health are hereby continued.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 25, 1980

Time: 2:25 P.M.

Act No. 80-151

S. 284—Smith

AN ACT

Relating to the existence and functioning of the statewide health coordinating council provided for in Sections 22-4-2, 22-4-3, 22-4-5, 22-4-7 through 22-4-11, 22-4-13, 22-21-260 and 22-21-274 of the Code of Alabama 1975, and Act No. 79-577, H. 52 of the 1979 Regular Session, and as otherwise provided by law.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the "Alabama Sunset Act of 1976," Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended by Act No. 79-542, S. 258 of the 1979 Regular Session, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the statewide health coordinating council. Based on its review and evaluation of the said agency, the Sunset Committee voted to recommend the continuance of the said council, created

and functioning pursuant to Sections 22-4-2, 22-4-3, 22-4-5, 22-4-7 through 22-4-11, 22-4-13, 22-21-260 and 22-21-274 of the Code of Alabama 1975, and Act No. 79-577, H. 52 of the 1979 Regular Session, and hereby recommends the continuance of the said council and all provisions of law pertaining thereto.

Section 2. The legislature concurs in the recommendations of the Sunset Committee provided in Section 1 of this act.

Section 3. Sections 22-4-2, 22-4-3, 22-4-5, 22-4-7 through 22-4-11, 22-4-13, 22-21-260 and 22-21-274 of the Code of Alabama 1975, and Act No. 79-577, H. 52 of the 1979 Regular Session relating to the statewide health coordinating council are hereby continued.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 25, 1980

Time: 2:25 P.M.

Act No. 80-152

S. 285—Smith

AN ACT

Relating to the existence and functioning of the State Forestry Commission provided for in Sections 9-3-1 through 9-3-16 and 9-13-1, 9-13-3, 9-13-4, 9-13-10, 9-13-50 and 9-13-84, Code of Alabama 1975 and Act No. 79-830, H. 486 of the 1979 Regular Session.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the "Alabama Sunset Act of 1976," Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended by Act No. 79-542, S. 258 of the 1979 Regular Session, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the State Forestry Commission. Based on its review and evaluation of the said agency, the Sunset Committee voted to recommend the continuance of the said commission, created and

functioning pursuant to Sections 9-3-1 through 9-3-16 and 9-13-1, 9-13-3, 9-13-4, 9-13-10, 9-13-50 and 9-13-84, Code of Alabama 1975, and Act No. 79-830, H. 486 of the 1979 Regular Session, and recommends the continuance of the said agency and all provisions of law pertaining thereto.

Section 2. The legislature concurs in the recommendations of the Sunset Committee provided in Section 1 of this act.

Section 3. Sections 9-3-1 through 9-3-16 and 9-13-1, 9-13-3, 9-13-4, 9-13-10, 9-13-50 and 9-13-84, Code of Alabama 1975, relating to the State Forestry Commission are hereby continued.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 25, 1980

Time: 2:25 P.M.

Act No. 80-153

S.J.R. 91—Robertson and deGraffenried

SENATE JOINT RESOLUTION

ENCOURAGING THE CITIZENS OF TUSCALOOSA, CITY AND COUNTY, TO SUPPORT THE ECONOMY OF OUR STATE AND NATION THROUGH THEIR PURCHASE AND USE OF AMERICAN-MADE GOODS.

WHEREAS, the economic well-being of our communities, state and nation is both directly and adversely affected by the purchase and use of foreign-made products and goods; and

WHEREAS, when our domestic manufacturers are forced to close their plants because of foreign competition, a resulting increase in unemployment detrimentally affects the economy of the entire area; and

WHEREAS, further, it must be noted that, generally, foreign-made products are inferior to those manufactured in America in

terms of quality and in safety; and

WHEREAS, regrettably, the citizens of Tuscaloosa, Alabama, and the entire United States have continued, increasingly, to purchase foreign-made products despite the drastic economic consequences of such actions; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That, in appeal for support to further our own economic interests and protect the well-being of all our citizens, we hereby urge that the City and County of Tuscaloosa set an example by buying and using only American-made products and goods.

BE IT FURTHER RESOLVED, That the officials of all other Alabama municipalities and counties give their support to this resolution through public encouragement of loyalty to our domestic manufacturers.

Approved March 27, 1980

Time: 3:40 P.M.

Act No. 80-154 S.J.R. 92—Robertson, Parsons, and Denton

SENATE JOINT RESOLUTION

ENCOURAGING THE CITIZENS OF ALABAMA TO SUPPORT THE ECONOMY OF OUR STATE AND NATION THROUGH THEIR PURCHASE AND USE OF AMERICAN-MADE GOODS.

WHEREAS, the economic well-being of our state and nation is both directly and adversely affected by the purchase and use of foreign-made products and goods; and

WHEREAS, when our domestic manufacturers are forced to close their plants because of foreign competition, a resulting increase in unemployment detrimentally affects the economy of the entire area; and

WHEREAS, further, it must be noted that, generally, foreign-made products are inferior to those manufactured in America in terms of quality and in safety; and

WHEREAS, regrettably, the citizens of Alabama and the entire United States have continued, increasingly, to purchase foreign-made products despite the drastic economic consequences of such actions; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That, in an appeal for the support for the entire State of Alabama to further our own economic interests and protect the well-being of all our citizens, we hereby urge that Alabama set an example for the nation by buying and using only American-made products and goods.

BE IT FURTHER RESOLVED, That the officials of all Alabama municipalities and counties give their support to this resolution through public encouragement of loyalty to our domestic manufacturers.

Approved March 27, 1980

Time : 3:40 P.M.

Act No. 80-155

H. 595—Pegues, Carothers, Bedsole,
Holley, Johnson (R.G.)

AN ACT

To provide that all medicaid eligible persons shall be required to pay the maximum allowable co-payment under federal law or administrative regulation for all prescription drugs received under the medicaid program except designated exemptions; to provide for collection therefor; and to provide that the provisions of this act shall not be effective if found by the courts to violate federal law or federal administrative regulations.

Be It Enacted by the Legislature of Alabama:

Section 1. Medicaid eligible persons shall pay the maximum allowable co-payment under federal law or administrative regulation for each prescription drug received under the medicaid program, except for designated exemptions.

Section 2. Said maximum allowable co-payment shall be collected by the dispensing pharmacy and credited against the medicaid payment to the pharmacy for the drug.

Section 3. Designated exemptions include prescriptions for family planning drugs and those used in the treatment of persons participating in the Medicaid Early and Periodic Screening, Diagnosis and Treatment Program.

Section 4. The provisions of this act shall not be effective if they are found by a court of competent jurisdiction to contravene federal laws or federal administrative regulations applicable to the Medicaid Program.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 27, 1980

Time: 3:40 P.M.

Act No. 80-156

H. 600—Pegues, Carothers, Bedsole,
Holley, Johnson (R.G.)

AN ACT

To provide assignment by Alabama medicaid recipients of all medical support and assistance to the designated state medicaid agency and authorization for release of information.

Be It Enacted by the Legislature of Alabama:

Section 1. Every recipient of medical assistance under the Alabama Medicaid Program shall be deemed to have made assignment to the State of Alabama of any and all rights of his to medical support or payments for medical care from any person, firm or corporation, together with the rights of any other individuals eligible for medical assistance for whom he can legally make assignment. This assignment shall be effective to the extent of the amount of medical assistance actually paid by the medicaid agency. The recipient shall cooperate fully with the medicaid agency in its efforts to secure such rights, and shall execute and deliver all instruments and papers needed by the medicaid agency in this regard.

Section 2. Every recipient of medical assistance under the Alabama Medicaid Program shall be deemed to have authorized all third parties, including insurance companies and providers of medical care, to release to the medicaid agency all information needed by the agency to secure or enforce its rights as assignee under the previous Section 1.

Section 3. This Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved March 27, 1980

Time: 3:40 P.M.

Act No. 80-157

H.J.R. 122—Manley

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE THEREOF CONCURRING, That when we adjourn today, Thursday, March 20, 1980, we adjourn to meet again on Tuesday, March 25, 1980; and when we adjourn on Tuesday, March 25, we adjourn to meet again on Thursday, March 27, 1980.

Approved March 27, 1980

Time: 3:40 P.M.

Act No. 80-158

H.J.R. 124—Holmes, Langford, Dixon,
Wyatt, Grouby, McKee,
Adams (C), Adams (H),
Albright, Amari, Barton,
Bedsole, Bennett, Biddle, Blake,
Boles, Bowling, Brakefield,
Buskey, Cabaniss, Campbell,
Carothers, Carter, Cates,
Cheatwood, Clark (G),
Clark (W), Cobb, Coburn,
Cooley, Cosby, Crow, Daniels,
Dial, Drinkard, Edwards, Ford,
Gafford, Gilmer, Goodwin,
Greer, Gregg, Grimsley, Hall,
Hammett, Harper (O),
Harper (T), Harrison, Harvey,
Hilliard, Hines, Holley, Horn,
Howard, Jackson,
Johnson (R.G.), Johnson (Roy),
Kelley, Kennedy, Laird, Letson,
Lewis, McCorquodale,
McMillan, Manley, Minus,
Mitchell, Moore, Naramore,
Nevett, Olive, Owens, Parker,
Patton, Payne, Pegues, Penry,

Rains, Ray, Reed, Riddick,
 Roberts, Sandusky, Sasser,
 Seibels, Shavers, Shoemaker,
 Smith (C), Smith (J), Smith (M),
 Starkey, Stewart, Stout,
 Trammell, Tucker, Turner,
 Turnham, Venable, Waggoner,
 Ward, Warren, Whatley,
 Williams, Willis, Zoghby

HOUSE JOINT RESOLUTION

PRAISING THE OUTSTANDING ACCOMPLISHMENTS OF COACH JAMES V. OLIVER'S A.S.U. HORNETS.

WHEREAS, the recent NAIA National Basketball Tournament brought to a close a phenomenal season for the Alabama State University Hornets, coached by James V. Oliver, who was prestigiously named Coach of the Year in both District 27 and Area 5 of NAIA; and

WHEREAS, in regular season play, ASU went for winning streaks of first 16 then 17 straight games without a loss; 32-2 overall, twelve of those big wins were in NAIA District 27 competition to earn that championship for the Hornets; and

WHEREAS, Alabama State was ranked Number One, nationally, for three consecutive weeks and also in the final NAIA College Poll; at their first national tournament, in a field of 32 of the best in NAIA, the Hornets knocked them off, one by one, losing only to Oklahoma's Cameron University, following a spectacular come-from-behind effort that cut an ASU 23-point deficit to only 3, just seconds before they were stopped by the clock; and

WHEREAS, ranked number two among 520 NAIA teams in the country, the highest ranking ever achieved by a District 27 team, the Alabama State University Hornets are: Kevin Loder, who was named to the All-District 27 Team and to the five-man All Tournament Team, and was also tapped as both the District 27 and the Montgomery Tip-off Club's Player of the Year; Carl Fortson, who also was named to the All Tournament Team; Melvin Crayton, All-District 27 Team; and LaVaughn McNary, Clayton Harris, Greg Owes, Kelvin Davis, Jerome Powell, Jerry Allen, Calvin Tullis, Robert Phillips, Lee Williams and James Smith who, each and every one, contributed greatly to their team's performance; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That

we most heartily congratulate and commend Alabama State University as Number One in the hearts and minds of all Alabamians.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Coach Oliver, on behalf of Assistant Coaches William Graham and John Mitchell and Managers Ronnie Allen, Loren Grayer and Gordon McRoberts, with copies also provided for each of the ASU Hornets in appreciation for the fame and honor they have brought to the State of Alabama.

Approved March 27, 1980

Time: 3:40 P.M.

Act No. 80-159

H.J.R. 125—Letson

HOUSE JOINT RESOLUTION

NAMING A PORTION OF LAWRENCE COUNTY ROAD NUMBER 27, THE "R.M. BERLIN HUTTO ROAD."

WHEREAS, Mr. R. M. Berlin Hutto of Lawrence County, Alabama, was a prominent member of his community who devoted much of his time and efforts to programs of benefit to his beloved county and fellow citizens; and

WHEREAS, a member of Boilermakers Local 97, the Terry Club and other civic organizations as well, Mr. Hutto ever exhibited concern for others through involvement in local affairs, including support for the construction of a road that was much needed when flooding occurred periodically, stranding many of the area's citizens; and

WHEREAS, through personal involvement, and by obtaining signatures on numerous petitions, Mr. Hutto played an instrumental role in the realization of Lawrence County Road Number 27; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate that portion of Lawrence County Road Number 27, beginning at Lawrence County Road Number 29 to the point of intersection of Alabama Highway 101, the "R. M. Berlin Hutto Road."

BE IT FURTHER RESOLVED, That the proper authorities are hereby authorized to erect and maintain appropriate signs and

markers so designating said portion as the "R. M. Berlin Hutto Road."

RESOLVED FURTHER, That a copy of this resolution be presented to the family of Mr. Hutto as a memento of this honorary designation in his memory.

Approved March 27, 1980

Time: 3:40 P.M.

Act No. 80-160

H.J.R. 126—Riddick

HOUSE JOINT RESOLUTION

COMMENDING DR. SHELBY COUNCE OF HUNTSVILLE, RECENTLY SELECTED AS ONE OF THE "ONE HUNDRED TOP SCHOOL EXECUTIVES OF NORTH AMERICA."

WHEREAS, it is with great pride and pleasure that the Alabama Legislature notes the prestigious selection of Dr. Shelby Counce, by a National Panel of Editors and Educators, as one of the "One Hundred Top School Executives of North America"; and

WHEREAS, Dr. Counce, who currently serves as superintendent of the Huntsville, Alabama, City Schools, a position he has held since May 1977, is a native of Tennessee, a graduate of Iuka, Mississippi High School and Florence State University, with graduate degrees from the University of Mississippi and Memphis State University; and

WHEREAS, his professional career has encompassed all areas as teacher, administrator and supervisor, in Mississippi and Tennessee, as well as in our own Alabama systems; and

WHEREAS, Dr. Counce, as chairman of the Latin American Committee for the Southern Association of Colleges and Schools, has travelled extensively in Mexico, Latin America and Central America, and, later, as president of the Association for the Advancement of International Education, toured Africa, Asia and other parts of the world; he has further held innumerable honorary professional positions, holds membership in many professional organizations and has authored a number of books, articles and papers in his field; and

WHEREAS, in Huntsville and Madison County, Dr. Shelby Counce has continued to be actively and deeply involved in all areas

of community affairs; he serves on the Board of Directors of the Chamber of Commerce, the Industrial Development Association, Mental Health Center, Mental Health Association, the Arts Council, the Boy Scouts and the Huntsville-Madison County Council for International Visitors; he is a member of the First United Methodist Church, the Huntsville Rotary Club, the General's Advisory Council of Redstone Arsenal and serves as Chairman of the Board of Governors, Newspaper in the Classroom, *Huntsville Times*; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Dr. Shelby Counce on his most recent of many signal honors, his selection as one of the "One Hundred Top School Executives of North America"; we further commend him on his outstanding career as an educator and voice our deep appreciation for his involvement in community affairs.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Dr. Counce as evidence of our concurring pride, with the City of Huntsville, in his accomplishments as an educator, and in appreciation of his contributions to the youth of Alabama.

Approved March 27, 1980

Time: 3:40 P.M.

Act No. 80-161

H.J.R. 128—Blake

HOUSE JOINT RESOLUTION

MOURNING THE TRAGIC DEATH OF DEPUTY SHERIFF ARLYN G. LOCKLEY OF ST. CLAIR COUNTY, ALABAMA.

WHEREAS, the Legislature of Alabama has been shocked and deeply saddened by the tragic death of Deputy Arlyn G. Lockley on March 9, 1980, at the early age of just 26 years; and

WHEREAS, Arlyn Lockley was killed in the line of duty, shot at point blank range, and by his own gun, while answering an automobile accident call; dispatched to the scene to check on possible injuries, his act of mercy was met with savage brutality, and a young and courageous life was ended; and

WHEREAS, a native of Leeds, Alabama, and a graduate of Leeds High School, Deputy Lockley was a veteran law enforcement officer, with an unblemished record, who had attained the rank of

sergeant during five years with the Springville Police Department; and

WHEREAS, Deputy Lockley, after joining the St. Clair County Sheriff's Department, soon gained the admiration and respect of his fellow officers, all of whom have been deeply grieved by the loss of their friend and of a courageous young man who had dedicated his entire adult life to safeguarding life and property of the citizens of St. Clair County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the tragic death of Arlyn G. Lockley, whose life was ended while on duty as an officer of the law.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to his beloved wife, Mrs. Sandy Lockley, and to his parents, Mr. and Mrs. J. C. Lockley, Jr., that they and other family members may know that we deeply share the sorrow of their great loss.

Approved March 27, 1980

Time: 3:40 P.M.

Act No. 80-162

H.J.R. 129—Manley, Pegues

HOUSE JOINT RESOLUTION

COMMENDING *THE DEMOCRAT-REPORTER* ON ITS CENTENNIAL OF SERVICE TO MARENGO COUNTY.

WHEREAS, *The Democrat-Reporter*, established October 31, 1879, is presently under the direction of Editor Goodloe Sutton, Sr., the fifth to so hold that position since the newspaper first began publication in Linden, Alabama, and which today is Marengo County's only business to operate continuously for one hundred years; and

WHEREAS, for nearly fifty of those one hundred years, Robert E. Sutton, Sr., served as the editor and publisher of *The Democrat-Reporter* and is to be credited with much of the progress and positive change adopted through the years to keep abreast of the changing times; preceded by John E. Hecker and Lamar Matkin, Mr. Sutton relinquished his helm to son Robert, Jr., who was followed, in 1967, by his brother and the paper's present editor, Goodloe Sutton, Sr.; and

WHEREAS, formerly *The Linden Reporter*, *The Democrat-Reporter*, as renamed by Editor Matkin in 1911, has become a solid

institution in Marengo County, witnessing and reporting the news since the days of Reconstruction and by means which have evolved from hand-set type to present-day computerization in the printing and production fields; and

WHEREAS, the winner of every major award presented to weekly newspapers in Alabama, *The Democrat-Reporter* enters its second century of service to Marengo County and surrounding areas, a strong and viable publication which, with greatly expanded circulation, will continue to fulfill its readers' desires to be kept reliably informed through responsible leadership in the field of journalism; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate and commend *The Democrat-Reporter* on its first one hundred years of service to Marengo County, offering our most heartfelt best wishes for continued success into its second century of publication.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to Editor Emeritus Robert E. Sutton, Sr., and to Goodloe Sutton, Sr., of Linden, Alabama, that they may be aware of our high praise, our deep appreciation and esteem.

Approved March 27, 1980

Time: 3:40 P.M.

Act No. 80-163

H.J.R. 137—Carter

HOUSE JOINT RESOLUTION

COMMENDING THE *ATHENS NEWS COURIER* ON ITS FIRST ONE HUNDRED YEARS OF PUBLICATION.

WHEREAS, the Legislature of Alabama is pleased to note the 100th anniversary celebration of the *Athens News Courier*, July 4, 1980, observed through publication of the Courier's special souvenir Centennial Edition; and

WHEREAS, the *Athens News Courier* is the successor to the *Alabama Courier*, founded in 1880, the *Limestone Democrat*, 1891, and the *News Leader*, 1965; now published five days a week, the Courier continues to witness and conscientiously report the news to its readers, a policy begun literally in Reconstruction Days in Alabama, one century ago; and

WHEREAS, the *Athens News Courier*, now entering its second century of service to Limestone County and surrounding areas, is a strong and vital force in the community, providing its subscribers and readers with reliable information through responsible journalism; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate and commend the *Athens News Courier* on its first one hundred years, and extend warm best wishes for continued success in its second century of publication.

BE IT FURTHER RESOLVED, That the Courier be advised, by copy of this resolution, of the Legislature's sincere praise and deep appreciation for outstanding service to Limestone County and to the entire State of Alabama.

Approved April 1, 1980

Time: 3:15 P.M.

Act No. 80-164

H. 167—Buskey, Kennedy

AN ACT

A bill to supplement the salaries of the Circuit Judges of the Thirteenth Judicial Circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to the salaries paid to each of the Circuit Judges of the Thirteenth Judicial Circuit by the state, there shall also be paid to each of said Judges a supplement salary in the sum equal to 40% of the salary paid each of said judges by the State of Alabama. Said supplement salary shall be paid out of the general fund of the county in equal installments at the same time and in the same manner that the salary of other county employees are paid.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 1, 1980

Time: 3:15 P.M.

Act No. 80-165

H. 301—Minus

AN ACT

Relating to Choctaw County; to provide that the county commission shall have the authority to approve any license for the sale of alcoholic beverages to any establishment located within the county, but outside the city limits of the municipalities.

Be It Enacted by the Legislature of Alabama:

Section 1. In Choctaw County, the county commission shall have the authority to approve any license for the sale of alcoholic beverages to any establishment located within the county, but outside the city limits of the municipalities.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 1, 1980

Time: 3:15 P.M.

Act No. 80-166

S. 4—Figures

AN ACT

To define various terms necessary to the application of trademark law: to provide for registrability of a trademark; to provide for application of registration of a trademark; to provide for issuance of a certificate of registration; to provide for the duration and renewal of a trademark; to provide for the keeping of public records on trademarks; to provide for the cancellation of a trademark; to provide for the classification of goods and services which may be subject to this act; to provide liability of fraudulent registration; to provide liability for infringement of a trademark registered under this act; to provide relief for injury to business reputation or for dilution of the quality of a trademark registered under this act; to provide remedies for the owner of a trademark registered under this act; and to preserve any common law rights of owners of trademarks.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions.

(a) The term "applicant" embraces the person filing an application for registration of a mark under this Act, his legal representative, successors or assigns.

(b) The term "mark" includes any trademark or service mark entitled to registration under this Act whether registered or not.

(c) The term "person" means any individual, firm, partnership, corporation, association, union, or other organization.

(d) The term "registrant" embraces the person to whom the registration of a mark under this Act is issued, his legal representative, successors, or assigns.

(e) The term "service mark" means any word, name, symbol, character or device or any combination thereof and the distinctive feature of radio, television, or other advertising adopted and used by a person to identify services rendered or offered by him and to distinguish them from the services of others.

(f) The term "trademark" means any word, name, symbol, character, design, drawing or device or any combination thereof adopted and used by a person to identify goods made or sold by him and to distinguish them from goods made or sold by others.

(g) The term "trade name" means a word, name, symbol, character, design, drawing, device, or any combination thereof used by a person to identify his business, vocation or occupation and distinguish it from the business, vocation or occupation of others.

(h) For the purpose of this Act, a mark shall be deemed to be "used" in this state (a) on goods or their containers or the displays associated therewith or on the tags or labels affixed thereto and such goods are sold or otherwise distributed in the state, and (b) in connection with services when it is used or displayed in the sale or advertising of services and the services are rendered in this state.

Section 2. Registrability

A mark by which the goods or services of any applicant for registration may be distinguished from the goods or services of others shall not be registered if it

(a) consists of or comprises immoral, deceptive or scandalous matter; or

(b) consists of or comprises matter which may disparage or falsely suggest a connection with person, living or dead, institutions, beliefs, or national symbols, or bring them into contempt, or disrepute; or

(c) consists of or comprises the flag or coat of arms or other insignia of the United States, or of any state or municipality, or of any foreign nation, or any simulation thereof; or

(d) consists of, comprises, or includes the name, signature or portrait of any living individual, except with his written consent; or

(e) consists of a mark which, (1) when applied to the goods or services of the applicant, is merely descriptive or deceptively misdescriptive of them, or (2) when applied to the goods or services of the applicant is primarily geographically descriptive or deceptively misdescriptive of them, or (3) is primarily merely a surname provided, however, that nothing in this section (e) shall prevent the registration of a mark used in this state by the application which has become distinctive of the applicant's goods or services. The Secretary of State may accept as evidence that the mark has become distinctive, as applied to the applicant's goods or services, proof of continuous use thereof as a mark by the applicant in this state or elsewhere for the five years next preceding the date of the filing of the application for registration; or

(f) Consists of or comprises a mark which so resembles a mark registered in this state or a mark of tradename previously used in this state by another and not abandoned, as to be likely, where applies to the goods or services of the applicant, to cause confusion or mistake or to deceive.

Section 3. Application for Registration

(1) Subject to the limitations set forth in this Act, any person who adopts and uses a mark in this state may file in the office of the Secretary of State, on a form to be furnished by the Secretary of State, an application for registration of that mark setting forth, but not limited to, the following information:

(a) the name and business address of the person applying for such registration; and, if a corporation, the state of incorporation,

(b) a description of the goods or services in connection with which the mark is used and the mode or manner in which the mark is used in connection with such goods or services and the class in which such goods or services fall,

(c) the date when the mark was first used anywhere and the date when it was first used in this state by the applicant or his predecessor in business, and

(d) a statement that the applicant is the owner of the mark and that no other person has the right to use such mark in this state either in the identical form thereof or in such near resemblance thereto as might be calculated to deceive or to be mistaken therefor.

(2) Every application under this section shall be signed and verified by the applicant or by a member of the firm or an officer of the corporation or association applying.

(3) Every application under this section shall be accompanied

by a specimen or facsimile of such mark in triplicate.

(4) Every application for registration under this section shall be accompanied by a filing fee of thirty dollars (\$30.00), payable to the Secretary of State.

Section 4. Certificate of Registration

(1) Upon compliance by the applicant with the requirements of this Act, the Secretary of State shall cause a certificate of registration to be issued and delivered to the applicant. The certificate of registration shall be issued under the signature of the Secretary of State and the Seal of the State, and it shall show the name and business address and, if a corporation, the state of incorporation, of the person claiming ownership of the mark, the date claimed for the first use of the mark anywhere and the date claimed for the first use of the mark in this state, the class of goods or services and a description of the goods or services on which the mark is used, a reproduction of the mark, the registration date and the term of the registration.

(2) Any certificate of registration issued by the Secretary of State under the provisions hereof or a copy thereof duly certified by the Secretary of State shall be admissible in evidence as competent and sufficient proof of the registration of such mark in any action or judicial proceedings in any court of this state.

Section 5. Duration and Renewal

(1) Registration of a mark hereunder shall be effective for a term of ten years from the date of registration and, if the mark is then still in use, upon application filed within six months prior to the expiration of such term, on a form to be furnished by the Secretary of State, the registration may be renewed for a like term. A renewal fee of thirty dollars (\$30.00) payable to the Secretary of State, shall accompany the application for renewal of the registration.

(2) A mark registration may be renewed for successive periods of ten years in like manner.

(3) The Secretary of State shall notify registrants of marks hereunder of the necessity of renewal within the year next preceding the expiration of ten years from the date of registration, by writing to the last known address of the registrants.

(4) Any registration in the Office of Secretary of State on the date on which this Act shall become effective shall expire one year after the effective date of this Act, unless registered in accordance with the provisions of this Act.

(5) All applications for renewals under this Act, whether of registrations made under this Act or of registrations effected under any prior act, shall include a statement that the mark is still in use in this state.

(6) The Secretary of State shall within six months after the effective date of this Act notify all existing registrants of marks, which were filed in the Secretary of State's Office under previous acts or by informal registration, of the date of expiration of such registrations unless registered in accordance with the provisions of this Act, by writing to the last known address of the registrants.

Section 6. Assignment

Any mark and its registration hereunder shall be assignable with the good will of the business in which the mark is used, or with that part of the good will of the business connected with the use of and symbolized by the mark. Assignment shall be by instruments in writing duly executed and may be recorded with the Secretary of State upon the payment of a fee of thirty dollars (\$30.00) payable to the Secretary of State who, upon recording of the assignment, shall issue in the name of the assignee a new certificate for the remainder of the term of the registration or of the last renewal thereof. An assignment of any registration under this Act shall be void as against any subsequent purchaser for valuable consideration without notice, unless it is recorded with the Secretary of State within three months after the date thereof or prior to such subsequent purchase.

Section 7. Records

The Secretary of State shall keep for public examination a record of all marks registered or renewed under this Act.

Section 8. Cancellation

The Secretary of State shall cancel from the register:

(1) after one year from the effective date of this Act, all registrations under prior acts or informal registration which have not been registered in accordance with this Act.

(2) any registration concerning with the Secretary of State shall receive a voluntary request for cancellation thereof from the registrant or the assignee of record;

(3) all registrations granted under this Act and not renewed in accordance with the provisions hereof;

(4) any registration concerning which a court of competent jurisdiction shall find

- (a) that the registered mark has been abandoned,
- (b) that the registrant is not the owner of the mark,
- (c) that the registration was granted improperly,
- (d) that the registration was obtained fraudulently,

(e) that the registered mark is so similar, as to be likely to cause confusion or mistake or to deceive, to a mark registered by another person in the United State Patent Office, prior to the date of the filing of the application for registration by the registrant hereunder, and not abandoned; provided, however, that should the registrant prove that he is the owner of a concurrent registration of his mark in the United States Patent Office covering an area including this state, the registration hereunder shall not be cancelled.

(5) when a court of competent jurisdiction shall order cancellation of a registration on any ground.

Section 9. Classification

The following general classes of goods and services are established for convenience of administration of this Act, but not to limit or extend the applicant's or registrant's rights, and a single application for registration of a mark may include any or all goods upon which, or services with which, the mark is actually being used comprised in a single class, but in no event shall a single application include goods or services upon which the mark is being used which fall within different classes of goods or services.

The said classes are as follows:

(a) Goods:

1. Raw or partly prepared materials
2. Receptables
3. Baggage, animal equipments, portfolios, and pocketbooks
4. Abrasives and polishing materials
5. Adhesives
6. Chemicals and chemical compositions
7. Cordage
8. Smokers' articles, not including tobacco products
9. Explosives, firearms, equipments, and projectiles

10. Fertilizers
11. Inks and inking materials
12. Construction materials
13. Hardware and plumbing and steam-fitting supplies
14. Metals and metal castings and forgings
15. Oils and greases
16. Paints and painters' materials
17. Tobacco products
18. Medicines and pharmaceutical preparations
19. Vehicles
20. Linoleum and oiled cloth
21. Electrical apparatus, machines, and supplies
22. Games, toys, and sporting goods
23. Cutlery, machinery, and tools, and parts thereof
24. Laundry appliances and machines
25. Locks and safes
26. Measuring and scientific appliances
27. Horological instruments
28. Jewelry and precious-metal ware
29. Brooms, brushes, and dusters
30. Crockery, earthenware, and porcelain
31. Filters and refrigerators
32. Furniture and upholstery
33. Glassware
34. Heating, lighting, and ventilating apparatus
35. Belting, hose, machinery packing, and non-metallic tires
36. Musical instruments and supplies
37. Paper and stationery
38. Prints and publications

- 39. Clothing
- 40. Fancy goods, furnishings, and notions
- 41. Canes, parasols, and umbrellas
- 42. Knitted, netted and textile fabrics, and substitutes therefor
- 43. Thread and yarn
- 44. Dental, medical, and surgical appliances
- 45. Soft drinks and carbonated waters
- 46. Foods and ingredients of foods
- 47. Wines
- 48. Malt beverages and liquors
- 49. Distilled alcoholic liquors
- 50. Merchandise not otherwise classified
- 51. Cosmetics and toilet preparations
- 52. Detergents and soaps
- (b) Services:
 - 100. Miscellaneous
 - 101. Advertising and business
 - 102. Insurance and financial
 - 103. Construction and repair
 - 104. Communications
 - 105. Transportation and storage
 - 106. Material treatment
 - 107. Education and entertainment

Section 10. Fraudulent Registration

Any person who shall for himself, or on behalf of any other person, procure the filing or registration of any mark in the Office of the Secretary of State under the provision hereof, by knowingly making any false or fraudulent representation or declaration, verbally or in writing, or by any other fraudulent means, shall be liable to pay all damages sustained in consequence of such filing or registration, to be recovered by or on behalf of the party injured thereby in any court of competent jurisdiction.

Section 11. Infringement

Subject to the provisions of Section 14 hereof any person who shall

(a) use, without the consent of the registrant, any reproduction, counterfeit, copy, or colorable imitation of a mark registered under this Act in connection with the sale, offering for sale, or advertising of any goods or services on or in connection with which such use is likely to cause confusion or mistake or to deceive as to the source of origin of such goods or services; or

(b) reproduce, counterfeit, copy or colorably imitate any such mark and apply such reproduction, counterfeit, copy of colorable imitation to labels, signs, prints, packages, wrappers, receptacles, or advertisements intended to be used upon or in conjunction with the sale or other distribution in this state of such goods or services; shall be liable to a civil action by the owner of such registered mark for any or all of the remedies provided in Section 13 hereof, except that under subsection (b) hereof the registrant shall not be entitled to recover profits or damages unless the acts have been committed with knowledge that such mark is intended to be used to cause confusion or mistake or to deceive.

Section 12. Injury to Business Reputation; Dilution

Likelihood of injury to business reputation or of dilution of the distinctive quality of a mark registered under this Act or a mark valid at common law, or a trade name valid at common law, shall be a ground for injunctive relief notwithstanding the absence of competition between the parties or the absence of confusion as to the source of goods or services.

Section 13. Remedies

(1) Any owner of a mark registered under this Act may proceed by suit to enjoin the manufacture, use, display or sale of any counterfeits or imitations thereof and any court of competent jurisdiction may grant injunctions to restrain such manufacture, use, display or sale as may be by the said court deemed just and reasonable, and may require the defendants to pay to such owner all profits derived from and/or all damages suffered by reason of such wrongful manufacture, use, display, or sale, and to pay the costs of the action; and such court may also order that any such counterfeits or imitations in the possession or under the control of any defendant in such case, be delivered to an officer of the court, or to the complainant, to be destroyed.

(2) The enumeration of any right or remedy herein shall not

affect a registrant's right to prosecute under any penal law of this state.

Section 14. Common Law Rights

Nothing herein shall adversely affect the rights or the enforcement of rights in marks acquired in good faith at any time at common law.

Section 15. Severability

If any provisions hereof, or the application of such provision to any person or circumstances is held invalid, the remainder of this Act shall not be affected thereby.

Section 16. Time of Taking Effect — Repeal of Prior Acts

This Act shall be in force and take effect 12:01 a.m., January 1, 1981 after its enactment but shall not affect any suit, proceeding or appeal then pending. All Acts relating to marks and parts of any other acts inconsistent herewith are hereby repealed on the effective date of this Act, provided that as to any suit, proceeding or appeal, and for that purpose only, pending at the time this Act takes effect such repeal shall be deemed not to be effective until final determination of said pending suit, proceeding or appeal.

Approved April 3, 1980

Time: 1:00 P.M.

Act No. 80-167

S. 299—Martin and St. John

AN ACT

Relating to Morgan County; to provide further for the distribution of the payments made in lieu of ad valorem taxes by the Tennessee Valley Authority as authorized by Section 40-28-3, Code of Alabama 1975, and to provide for the tentative termination of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. In Morgan County, the payments made to the county commission as authorized in Section 40-28-3, Code of Alabama 1975, shall be distributed by the said county commission as follows: Twenty percent (20%) of such payments shall be disbursed to the Morgan County Board of Education to be used in the operation of the county schools and the retirement of debts incurred by the school system; Eighty percent (80%) of such payments shall be distributed to the county general fund and on a

pro rata basis to the general funds of the various municipalities, with each municipality receiving the amount that its population, according to the latest federal census, bears to the entire population of the county, and the general fund of the county receiving the amount that the population of the county outside the municipalities bears to the entire population of the county, according to the latest federal census.

Section 2. Notwithstanding any law to the contrary, the provisions of this act shall remain in effect until October 1, 1983. If on that date, the legislature has not acted to renew this act, the distribution of revenue authorized by Section 40-28-3, Code of Alabama 1975 shall be controlling.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 3, 1980

Time: 1:00 P.M.

Act No. 80-168 S.J.R. 46—Little, Mitchem, Higginbotham,
Holmes, Smith, McDonald,
Harrison, Denton, St. John,
Goodwin, Miller, Kirkland,
Proctor and deGraffenried

SENATE JOINT RESOLUTION

HONORING J. MICHAEL SPROTT, 1979 MAN OF THE
YEAR IN SERVICE TO ALABAMA AGRICULTURE.

WHEREAS, in pleased concurrence, the Legislature of Alabama has noted the selection of J. Michael Sprott, director of the Cooperative Extension Service, as 1979 Man of the Year in Service to Alabama Agriculture, an honor bestowed by the prestigious *Progressive Farmer Magazine*; and

WHEREAS, Mr. Sprott came to Alabama, and to his Auburn post, in 1975 from Texas A&M University; he is a graduate of the University of Arkansas with B.S. and M.S. degrees in Agricultural Economics and also holds a Ph.D in the same field from Texas A&M; and

WHEREAS, during his past five years as the director of the Extension Service, Michael Sprott has effectuated numerous changes of enormous benefit to the Extension's educational

delivery system with a resultant increase in service to farmers and other Extension clientele; and

WHEREAS, with assignment of specialists to area offices and the implementation of extensive training programs for staff members, users of the Service now have quick access to assistance in highly technical areas; also a noticeable increase in efficiency and effectiveness of the entire program has proven to be highly beneficial and profitable to all Alabama; and

WHEREAS, further emphasis has been placed on planning and setting goals, based on need, with a result, among others, of having reached a \$2 billion Alabama farm income goal; educational goals such as the HAMM and STOCKER 700 programs have been developed and carried out, and outstanding accomplishments have been made in soil testing, pest management, irrigation, mechanization, marketing and the Extension's vital 4-H program; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate Mr. J. Michael Sprott upon his recent recognition by the *Progressive Farmer Magazine* and voice our deep appreciation for his many outstanding contributions to Alabama agriculture.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. Sprott that he may know of our sincere congratulations and warm praise.

Approved April 3, 1980

Time: 1:00 P.M.

Act No. 80-169

S.J.R. 47—Little and McDonald

SENATE JOINT RESOLUTION

COMMENDING DR. BEN T. LANHAM FOR MERITORIOUS SERVICE TO AUBURN UNIVERSITY.

WHEREAS, Dr. Ben T. Lanham has recently retired as administrative vice president of Auburn University, a position he had held since 1972, following various other administrative offices during 40 years of service to the University; and

WHEREAS, Dr. Lanham, a Clemson University graduate with advanced degrees from both the University of Tennessee and

Michigan State University, first became associated with Auburn University in 1939 in a joint teaching and research appointment to the School of Agriculture and the Agricultural Experiment Station; he then progressed to department head and later, to associate director and assistant dean of the two departments; and

WHEREAS, some fourteen years ago he was tapped by Dr. Harry Philpott as the University's first vice president for research under the president's re-organization plan to expand to three vice presidents, one each for research, extension and for administrative and academic affairs, the latter position later divided with Dr. Lanham, at retirement, holding the administrative position; and

WHEREAS, as the University's first appointed vice president for research, Dr. Lanham developed the program which now, basically, serves as the pattern for the program in use today; in his last capacity, he temporarily assumed the duties of Dr. Philpott when called upon and, at one time, served as acting president for four months while Dr. Philpott was on study leave to the Orient; and

WHEREAS, possessing such admirable attributes as dedication, loyalty and integrity, Dr. Lanham's 40 years of service to Auburn truly reflect these qualities and both the University and the State of Alabama will long benefit from his professional productivity and achievement; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Dr. Ben T. Lanham for his outstanding service to Auburn University and wish him every continued success in all future endeavors.

BE IT FURTHER RESOLVED, That Dr. Lanham receive a copy of this resolution in token of our appreciation and in support of this body's high regard.

Approved April 3, 1980

Time: 1:00 P.M.

Act No. 80-170

S.J.R. 51—Miller

AN ACT

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF ROBERT D. BURGESS,
PROMINENT COVINGTON COUNTY BUSINESS AND CIVIC
LEADER.

WHEREAS, the Legislature has been deeply saddened by the death of Mr. Robert D. Burgess of Opp, Alabama, on February 23, 1980, at the age of 79; and

WHEREAS, publisher of *The Opp News*, Robert Burgess was a native of Shady Grove in Pike County, Alabama; he attended the public schools of Andalusia, where he moved at the age of seven with his family, and where he first began his illustrious career in the newspaper business; and

WHEREAS, at the age of nine, Robert Burgess began work in the afternoon with the *Andalusia Star-News* and, at sixteen, joined the **Tampa Tribune**; he later returned to Covington County, working again with the *Star-News* until 1941 when he acquired ownership of *The Opp News*, which has received, through the years, numerous awards on the state level; and

WHEREAS, during his long and prestigious years as a newspaperman, Mr. Burgess served with distinction the profession he loved so well, including office as a member of the board of directors of the Alabama Press Association; he also was a long-time and faithful member of the First United Methodist Church of Opp, a past Rotarian, a member of the Opp Country Club and was a former member of both the Opp City School Board and the Mizell Memorial Hospital Board; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Robert D. Burgess of Opp, Alabama, and extend our most heartfelt sympathy to his family and to his many, many friends.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to his son, John Alwyn Burgess, and to his daughter, Mrs. James Wassell, that they may know we truly share the sorrow of their loss in the death of their father, one of our state's most outstanding citizens.

Approved April 3, 1980

Time: 1:00 P.M.

SENATE JOINT RESOLUTION

HONORING JOHN HOWARD ANDERSON FOR
OUTSTANDING ACHIEVEMENT.

WHEREAS, John Howard Anderson, affectionately and widely known as "Doc," served as head athletic trainer for 14 years, and head track coach for 11 years, at Troy State University; and

WHEREAS, during his tenure at Troy State, Doc Anderson directed his track teams to four NAIA District 27 Championships, two Alabama Intercollegiate Conference Championships, in 1970 and 1971, to six cross country championships, and to the GSC Track Championship in 1977, he further produced 22 All-Americans during his prestigious 14-year association with Troy State University; and

WHEREAS, a native of Hackensack, New Jersey, he attended high school at Vermont Academy and is a 1964 graduate of Auburn University where he ran track and cross country and also served as assistant trainer; he additionally holds a Master's Degree earned in 1969 from TSU; and

WHEREAS, as one who truly loves his work, Doc Anderson's entire career has been a reflection of his dedication and devotion both to his young athletes, and to athletics as a means of molding his students into young men well prepared to accept and fulfill the duties of responsible citizenship; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend coach John Howard Anderson for his outstanding service to Troy State University; we further direct that he receive a copy of this resolution, in token of appreciation and praise, and as evidence of our warm best wishes for every future success in life.

Approved April 3, 1980

Time: 1:00 P.M.

Act No. 80-172

S.J.R. 62—Miller

SENATE JOINT RESOLUTION

COMMENDING LIEUTENANT COLONEL KARL-HEINZ ROEPER FOR MERITORIOUS SERVICE WITH THE U.S. ARMY AVIATION CENTER, FORT RUCKER, ALABAMA.

WHEREAS, Lieutenant Colonel Karl-Heinz Roeper first came to the United States and to Fort Rucker in 1955, upon reactivation of the German Armed Forces; he was sent to our country for fixed wing refresher and light observation helicopter training,

graduating in 1956; and

WHEREAS, Colonel Roeper, a native of Kaiserslautern, Germany, and a former American prisoner of war, spent the interim from 1957 to 1973 in a number of assignments in the Germany Army Aviation with his duties increasing in responsibility from instructor pilot to Battalion Commander and, in last capacity in Germany, as R & D Group Leader for all aviation material of the German Army; and

WHEREAS, since 1973, Lieutenant Colonel Roeper has been once again at Fort Rucker, serving as German Liaison Officer, and will retire from the military in September 1980; and

WHEREAS, as evidences the high regard of Colonel Roeper, he will be the featured speaker at the graduation exercises of a new class of Army Aviation at Fort Rucker, coinciding with the anniversary of his seventh year of service at the U.S. Army Aviation Center; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express our deep appreciation to Lieutenant Colonel Karl-Heinz Roeper for outstanding service to the Aviation Center at Fort Rucker, Alabama.

BE IT FURTHER RESOLVED, That Colonel Roeper receive a copy of this resolution, tendered in praise of his service and as an expression of our warm best wishes in all future endeavors.

Approved April 3, 1980

Time: 1:00 P.M.

Act No. 80-173

H.J.R. 93—Dixon

HOUSE JOINT RESOLUTION

NAMING COUNTY HIGHWAY 79 THE WYCOTT PLANTATION MEMORIAL HIGHWAY.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That that portion of Barbour County Highway No. 79 from its intersection of Highway 82 and its intersection with Highway 30 be

and is hereby designated and named the Wycott Plantation Memorial Highway.

BE IT FURTHER RESOLVED That the State Highway Department is hereby requested to place appropriate markers thereon.

Approved April 8, 1980

Time: 4:00 P.M.

Act No. 80-174

H.J.R. 139—Manley

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn on Thursday, March 27, we adjourn to meet again on Tuesday, April 1, 1980; when we adjourn on Tuesday, April 1, we adjourn to meet again on Thursday, April 3; when we adjourn on Thursday, April 3, we adjourn to meet again on Tuesday, April 8; when we adjourn on Tuesday, April 8, we adjourn to meet again on Thursday, April 10; when we adjourn on Thursday, April 10, we adjourn to meet again on Tuesday, April 15; when we adjourn on Tuesday, April 15, we adjourn to meet again on Thursday, April 17; when we adjourn on Thursday, April 17, we adjourn to meet again on Tuesday, April 22; when we adjourn on Tuesday, April 22, we adjourn to meet again on Wednesday, April 23; when we adjourn on Wednesday, April 23, we adjourn to meet again on Tuesday, April 29; when we adjourn on Tuesday, April 29, we adjourn to meet again on Thursday, May 1; when we adjourn on Thursday, May 1, we adjourn to meet again on Tuesday, May 6; when we adjourn on Tuesday, May 6, we adjourn to meet again on Thursday, May 8; when we adjourn on Thursday, May 8, we adjourn to meet again on Monday, May 19; and when we adjourn on Monday, May 19, all dates hereinabove set forth being in the year 1980, we adjourn sine die.

Approved April 8, 1980

Time: 4:00 P.M.

Act No. 80-175

H.J.R. 140—Smith, C.

HOUSE JOINT RESOLUTION

PROCLAIMING MAY 5-11, 1980, AS "ALABAMA ALCOHOL AWARENESS — MARRIAGE AND FAMILY WEEK."

WHEREAS, the observance of the traditional Mother's Day has been expanded on the national level to include Marriage and Family Week and it seems appropriate that this week also be designated as "Alabama Alcohol Awareness Week"; and

WHEREAS, the major factor resulting in family problems is related to the use of alcoholic beverage, and it is significant that a great portion of all alcohol purchased is by the bottle and much of it for home consumption; and

WHEREAS, family members suffer from youthful fatalities occurring on the streets and highways of Alabama which in large measure are attributed to the consumption of alcohol, and much of child abuse has been related thereto; and

WHEREAS, the Fetal Alcohol Syndrome (FAS) is known to produce mentally and physically handicapped children; and

WHEREAS, alcohol is an addictive drug and its social use is increasing rapidly, with an estimated fifteen million alcoholic-problem drinkers in America today; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Marriage and Family Week, May 5-11, 1980, also be proclaimed "Alabama Alcohol Awareness Week," in recognition of the potential for family disharmony and personal injury resulting from the social use of alcohol.

BE IT FURTHER RESOLVED, That the Honorable Fob James, Governor of Alabama, sign this proclamation designating May 5-11, 1980, "Alabama Alcohol Awareness — Marriage and Family Week."

RESOLVED FURTHER, That a copy of this resolution be transmitted to the Alabama Council on Alcohol Problems (ALCAP).

Approved April 8, 1980

Time: 4:00 P.M.

NAMING A SECTION OF STATE HIGHWAY 75 IN GERALDINE, DEKALB COUNTY, ALABAMA, THE "DR. BRIGGS PARRIS DRIVE."

WHEREAS, a graduate of the University of Chattanooga, and of the Medical School of the University of Tennessee in 1914, Dr. Briggs Parris was a learned and compassionate physician who began his practice of medicine in association with his brother, Dr. Dan Parris; and

WHEREAS, he moved in 1920, however, to Geraldine in DeKalb County, Alabama, and it was there and until his death on July 14, 1951, that Dr. Briggs Parris faithfully served his neighbors and fellow citizens as general practitioner and as a true friend; and

WHEREAS, for 31 years, Dr. Parris provided excellent medical care for his thousands of patients, regardless of ability to pay, and was further always supportive of their needs in time of trouble and in sorrow; and

WHEREAS, a deeply involved citizen in all areas of civic, educational and religious affairs, Dr. Briggs Parris greatly contributed to the community as a whole through a long and honorable record of service to others; and

WHEREAS, he also was adviser and friend to the farmers of his community, thereby contributing to the area's agricultural practices, and, through his avid interest in the schools, was instrumental in raising the quality of education available to the young people in his beloved home town; and

WHEREAS, it is the desire of the City Council of the City of Geraldine, Alabama, to honor the memory of Dr. Briggs Parris and also to express gratitude to the entire Parris family; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate that section of State Highway 75 beginning at the eastern part of the city limits of Geraldine, Alabama, in DeKalb County, and extending to the southern part of the city limits, as the "Dr. Briggs Parris Drive."

BE IT FURTHER RESOLVED, That the proper authorities are hereby authorized to erect and maintain appropriate signs and markers so designating said portion of State Highway 75 as the "Dr. Briggs Parris Drive."

RESOLVED FURTHER, That copies of this resolution be provided to members of the Parris family in token of this commemorative designation.

Approved April 8, 1980

Time: 4:00 P.M.

Act No. 80-177

H.J.R. 143—Hilliard

HOUSE JOINT RESOLUTION

REQUESTING THE GOVERNOR TO DONATE SURPLUS BOOKS OWNED BY THE STATE TO THE VARIOUS LAW SCHOOLS IN THIS STATE AND TO OTHER INSTITUTIONS OF HIGHER LEARNING.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby request that the Governor, upon written approval of the Chief Justice of the Alabama Supreme Court, donate any surplus books owned by the state to various law schools located in this state to which qualified members of the public may attend upon acceptance by any such school, or to any other institute of higher learning.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Governor Fob James with a copy also provided for the Chief Justice of the Alabama Supreme Court.

Approved April 8, 1980

Time: 4:00 P.M.

Act No. 80-178

H.J.R. 147—Sasser, Williams

HOUSE JOINT RESOLUTION

NAMING THE NEW ELEMENTARY SCHOOL BUILDING AT ARITON IN DALE COUNTY, ALABAMA, THE "CREEL RICHARDSON ELEMENTARY ADDITION."

WHEREAS, in its desire to recognize outstanding service to others by our citizens, the Alabama Legislature has noted the many contributions of Mr. Creel Richardson in the field of education to his community of Ariton, Dale County and other areas of our state as well; and

WHEREAS, a native of the Arguta Community in Dale County, Mr. Richardson is a graduate of Barbour County High School, the University of Alabama with a B.A. Degree, and of

Trinity College in Connecticut where he earned his Master's Degree; he also studied at Columbia University through a three-year Research Fellowship in History; and

WHEREAS, Mr. Richardson served as school administrator and teacher for some 41 years, thirty of which were in Dale County and included a tenure as Superintendent of the Dale County Schools; and

WHEREAS, his professional affiliations have included membership in N.E.A., A.E.A., the Dale County Teachers Association, the Parent-Teacher Association and the Dale County, Alabama and American Historical Associations; as a retired educator, he now belongs to the Dale County, Alabama and National Retired Teachers Associations and the American Association of Retired Persons; and

WHEREAS, Mr. Richardson further is Chairman and Legislative Representative of the Alabama Joint State Legislative Committee, representing the National Retired Teachers Association and the American Association of Retired Persons which selected him to attend a 1976 session of the National Legislative Council; and

WHEREAS, he is a member, moderator and Sunday School teacher of the Ariton Baptist Church and was a member of the Dale County Bicentennial Commission and of Governor George Wallace's Advisory Council for the Alabama Commission on Aging; he currently is engaged in research for a history of Dale County and two biographies which he is authoring; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That assenting with the desire of the Dale County Board of Education to honor Mr. Creel Richardson, we hereby name and designate the new Elementary School Building at Ariton in Dale County, Alabama, as the "Creel Richardson Elementary Addition."

BE IT FURTHER RESOLVED, That authorities are hereby authorized to erect and maintain appropriate signs and markers so designating said building as the "Creel Richardson Elementary Addition."

RESOLVED FURTHER, That a copy of this resolution be sent to Mr. Richardson in token of our esteem and as a memento of this honorary designation.

Approved April 8, 1980

Time: 4:00 P.M.

Act No. 80-179 H.J.R. 148—Zoghby, Parker, Kennedy,
 Buskey, Clark (W), Harper (T),
 Bedsole, McMillan, Sandusky,
 Stewart, Turner,
 McCorquodale

HOUSE JOINT RESOLUTION

ENCOURAGING CONTINUED AND INCREASED USE OF THE ALABAMA STATE DOCKS SYSTEM BY DOMESTIC BUSINESS AND INDUSTRY IN ALABAMA.

WHEREAS, the Alabama State Docks System is of inordinate economic benefit not only to our coastal area but to the entire State of Alabama as well; and

WHEREAS, monies received through fees and charges for use of Alabama's port facilities total millions of dollars annually, and these receipts are used to maintain, improve and foster growth of an industry vital to our state's economic stability; and

WHEREAS, continued growth of the State Docks System is dependent in large part upon increased usage by domestic business and industry in the State of Alabama; income derived from operation of the docks is money that is spent in Alabama, remains in Alabama, and is an investment in the future of our state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body, in unity, does hereby encourage those businesses and industry in Alabama which use port facilities to continue giving first consideration to the Alabama State Docks System.

BE IT FURTHER RESOLVED, That officials of all Alabama municipalities and counties give their support to this resolution through encouraging use of the State Docks System by business and industry domiciled in their respective locales.

RESOLVED FURTHER, That a copy of this resolution be sent to the Alabama Development Office that it may be circulated, statewide, through publication in an issue of ADO's monthly bulletin.

Approved April 8, 1980

Time: 4:00 P.M.

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF JAMES CLEVELAND OWENS, NATIVE ALABAMIAN, OLYMPIC GOLD MEDALIST AND A GREAT AMERICAN.

WHEREAS, the Legislature of Alabama has grievously noted the death of James Cleveland Owens in Tucson, Arizona, on March 31, 1980, at the age of 66; and

WHEREAS, a native son, born September 12, 1913, in Oakville, Lawrence County, Alabama, James Cleveland Owens was a 1936 Olympic medalist, the recipient of four gold medals at the games held in Nazi Germany; an extraordinary, even super athlete, Jesse Owens at the age of 22 brought fame and honor to the United States while disproving to the entire world Adolph Hitler's theory of Aryan supremacy and shattering Hitler's hopes of proving such fallacy at the Berlin games; and

WHEREAS, even prior to the Olympics, Jesse Owens had shown his mettle by establishing world records in several events in track and field competition; and

WHEREAS, since 1936, though other athletes have exceeded in number the gold medals won by Jesse Owens, it is awesome to note that four decades were to pass before the last of 11 world records established by Owens were surpassed; and

WHEREAS, Jesse Owens will long be remembered, not only for his outstanding accomplishments in the world of sports, but primarily for his contributions to the world as an extraordinary human being; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in deep sadness and regret, we extend our most heartfelt sympathy to the family of James Cleveland Owens, a great, and now legendary, American.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to his wife, Mrs. Ruth Owens, to their three daughters, and to other family members, that they may know we truly share the sorrow of their great and grievous loss.

Approved April 8, 1980

Time: 4:00 P.M.

AN ACT

Relating to Jackson County; to provide for additional per diem payments to each member of the Board of Equalization.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the Board of Equalization of Jackson County shall be paid a total of \$30.00 per diem for each day's attendance upon the session of the board. Any portion of this amount not paid by the state shall be paid from the general fund of the county.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 8, 1980

Time: 4:00 P.M.

Act No. 80-182

H. 569—Moore, Smith (C)

AN ACT

Relating to Shelby County; increasing the expense allowance of the county coroner.

Be It Enacted by the Legislature of Alabama:

Section 1. In Shelby County, the county coroner is hereby entitled to an additional expense allowance of \$300.00 per month. Said expense allowance shall be in addition to any and all other salary, compensation and expense allowance heretofore provided by law and shall be paid in monthly installments from the county general fund.

Section 2. At the end of the present term of office of the coroner, the expense allowance provided for in Section 1 of this act shall become part of the salary of the coroner and no longer paid as an expense allowance.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 8, 1980

Time: 4:00 P.M.

Act 80-183

H. 593—Pegues, Carothers, Bedsole,
Johnson (R.G.), Holley

AN ACT

To provide for the Department of Pensions and Security to issue to all eligible recipients a special color picture identification card, separate from and entirely distinct from the valid color picture driver license or non-driver identification card and the associated data processing system shall contain provision for real-time recipient eligibility verification information. Adequate provision shall be made for protection of the confidentiality of the medicaid recipient.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act provides for the Department of Pensions and Security to issue to all eligible recipients, a special color picture medicaid identification card, which shall be separate from and entirely distinct from the valid color picture driver license or non-driver identification card. The medicaid identification card shall be issued only on presentation of proper identification and evidence of medicaid eligibility. The identification card shall be used as identification to providers of medical service, and the identification card shall contain a suitable medium which when used with a suitable data processing system, to be developed by the Department of Pensions and Security with the technical assistance and advice of the Alabama Criminal Justice Information Center, can provide real-time verification of medicaid eligibility by the provider.

Section 2. The Department of Pensions and Security shall make provision for adequate protection of the confidentiality of the medicaid recipient.

Section 3. The provisions of this Act are not severable if any part of this Act is declared invalid or unconstitutional, the entire Act shall be declared invalid or unconstitutional.

Section 4. The provisions of this Act shall not be effective if they are found by a court of competent jurisdiction to contravene federal laws or federal regulations applicable to the Medicaid Program which would cause the State of Alabama to become ineligible to receive federal medicaid funds.

Section 5. The provisions of this Act shall become operational and shall be implemented no later than January 1, 1981.

Section 6. This Act shall become effective immediately upon passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 8, 1980

Time: 4:00 P.M.

Act No. 80-184

H. 652—Campbell

AN ACT

Relating to Calhoun County; to authorize the tax assessor and tax collector to collect a commission of not exceeding one percent respectively for the assessment and collection of property taxes levied by municipalities in the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The tax assessor and the tax collector of Calhoun County shall each be authorized to collect a commission of not to exceed one percent respectively for the assessment and collection of property taxes now or hereafter levied by any municipality located in Calhoun County.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. The provisions of this act shall be construed in pari materia with the provisions of Section 11-51-74, Code of Alabama 1975; and any other laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 8, 1980

Time: 4:00 P.M.

Act No. 80-185

H. 653—Campbell

AN ACT

Relating to Calhoun County; relating to the office of District Attorney, which provides for the payment of salary and expenses of an investigator appointed by the District Attorney in said county.

Be It Enacted by the Legislature of Alabama:

Section 1. The District Attorney of Calhoun County may appoint an investigator to conduct investigations of alleged violations of law in the circuit. Such investigator shall be entitled to a salary on the same scale as deputy sheriffs of that county receive. The salary shall be paid from the general fund of Calhoun County as other county employees are paid, and the necessary expenses incurred in investigation. He shall be furnished an automobile by the county for which he is employed and such county shall pay the expenses thereof.

Section 2. The investigator shall have the same authority and powers vested in deputy sheriffs and all other law enforcement officers of the State of Alabama. He shall be responsible to the district attorney and shall perform all duties assigned him by such official.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 8, 1980

Time: 4:00 P.M.

Act No. 80-186

H. 675—Willis, Crow

AN ACT

Relating to Calhoun County; to provide for an additional expense allowance for the members of the board of equalization, board of registrars and the jury commission of said county.

Be It Enacted by the Legislature of Alabama:

Section 1. In Calhoun County, in addition to any and all other compensation, salary and expense allowances provided for by law, there shall be paid to each member of the board of equalization, each member of the board of registrars and each member of the jury commission of the county an expense allowance in such an amount as will, together with any amount paid by the state, as salary, compensation or expense allowance, make the total paid to such members equal thirty dollars (\$30) per day. If the amount paid to such members as compensation or expense allowance by the state increases in the future, then the amount paid by the county under this act shall automatically decrease.

Section 2. The amount paid under the provisions of this act shall be paid out of the county general fund and shall be paid only

when the members of the board of equalization, members of the board of registrars and the members of the jury commission actually attend meetings of their respective bodies.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 8, 1980

Time: 4:00 P.M.

Act No. 80-187

H. 690—Owens

AN ACT

Relating to Tuscaloosa County; levying an additional privilege license tax on malt or brewed beverages; providing for the collection and distribution of the proceeds of such tax; and providing for the administration and enforcement of this Act including penalties for violations.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby levied and imposed an additional privilege license tax in the amount of three cents (3¢) on each twelve (12) fluid ounces or fractional part thereof of malt or brewed beverages (including beer, lager, ale, porter, or similar fermented liquor containing one-half of one percent or more of alcohol by volume) sold, used, consumed, stored, or withdrawn from storage in Tuscaloosa County; provided, that where the amount of the tax levied under the provisions of this Act shall have been paid by any seller, distributor, dealer, storer or user, and evidenced by the appropriate stamps as provided for below, such payment shall be sufficient, the intent being that the tax levied by this Act shall be paid but once. The privilege or license tax provided for herein shall be in addition to all other taxes and licenses now or hereafter authorized or imposed by law.

Section 2. The privilege or license tax imposed by this Act shall be collected by or under the supervision of the probate judge of Tuscaloosa County in the same manner and under the same conditions as provided for any tax levied under Act 556, Regular Session 1953 (Acts of Alabama 1953, p. 784), and the proceeds (less the costs of collection and administration as provided in said Act 556) shall be distributed as follows:

(a) Thirty-six percent (36%) to the City of Tuscaloosa to be used exclusively for salary increases over and above salary and benefits paid to employees of the City. Sixty percent (60%) of the thirty-six percent (36%) of those revenues derived by the City of Tuscaloosa from this Act shall be used to provide an equal bonus payment to the Tuscaloosa Law Enforcement officers who are Civil Service employees and who have been certified by the Peace Officers' Standards and Training Commission of the State of Alabama as peace officers and equally to the City of Tuscaloosa firemen who are Civil Service employees. Forty percent (40%) of those revenues derived by the City of Tuscaloosa under the provisions of this Act shall be divided equally to all other full-time employees of the City of Tuscaloosa. These salary increases shall be paid in the form of an annual bonus payable during the first pay-period one year after the passage of this Act. Any future growth in the revenues derived by the City of Tuscaloosa or any interest that may be earned by these funds as a result of this Act shall be distributed to the City of Tuscaloosa employees in the manner mandated by this Act.

(b) Ten percent (10%) to the City of Northport to be deposited in the city general fund to be used exclusively for bonus payments over and above present salaries and benefits in the following manner: Sixty percent (60%) of the ten percent (10%) shall be used to grant bonus payments to public safety employees over and above their present salaries. Forty percent (40%) of the ten percent (10%) shall be used exclusively for bonus payments of other city employees over and above their present salaries.

(c) Forty-six percent (46%) to Tuscaloosa County to be deposited in the county general fund to be used exclusively to fund salaries of employees in the sheriff's department, such salaries and uniform equipment to be comparable to the salaries and uniform equipment of state troopers as provided by law, and any remaining funds to be used for salaries of county employees.

(d) Eight percent (8%) to the Tuscaloosa County Parks and Recreation Authority for capital outlay, park renovation, and park improvement. These funds may not be used to pay salaries or general operating costs.

Section 3. The probate judge of Tuscaloosa County may provide rules and regulations and administrative machinery for the enforcement and collection of the privilege license tax provided by this Act, and may also provide reasonable compensation to sellers and distributors of malt or brewed beverages for the expenses of compliance with such rules and regulations. The probate judge may employ such personnel as may be needed to

collect and enforce the tax, and shall fix their compensation and tenure. Each city receiving any funds under this Act shall provide aid and assistance in enforcing the tax herein authorized within its territory.

Section 4. Any person, firm, or corporation who violates any provision of this Act or the rules and regulations as may be provided by the county commission of Tuscaloosa County shall be guilty of a misdemeanor and upon conviction shall be punished as prescribed by law. Each month such violation continues shall constitute a separate offense.

Section 5. Any person, firm, or corporation who fails to pay the tax herein levied within the time prescribed by this Act shall pay, in addition to the tax, a penalty of ten percent (10%) of the amount of tax, together with interest thereon at the rate of one-half of one percent per month or fraction thereof, from the date at which the tax herein levied became payable, such penalty and interest to be assessed and collected as a part of the tax.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 8. This Act shall become effective on the first day of the second month immediately following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 8, 1980

Time: 4:00 P.M.

Act No. 80-188

H. 693—Dial

AN ACT

Relating to Clay County; providing for the taxing and collecting of certain additional court costs for the purposes of maintenance or repair of the Clay County jail; and authorizing the expenditure of said funds.

Be It Enacted by the Legislature of Alabama:

Section 1. In Clay County, in addition to all other fees, there shall be taxed as costs the sum of \$3.00 in each civil or quasi-civil action at law, suit in equity, criminal case, quasi-criminal case, proceedings on a forfeited bail bond or proceedings on a forfeited

bond given in connection with an appeal from a judgment or conviction in any inferior or municipal court of the county, in the circuit court of Clay County, or the district court of Clay County, hereinafter filed in or arising in the circuit court of Clay County, or the district court of Clay County, or brought by appeal, certiorari or otherwise to the circuit court of Clay County, or the district court of Clay County, which costs shall be collected as other costs in such cases are collected by the clerk, or ex-officio clerk, of said courts or the register of the circuit court of Clay County, as the case may be.

Section 2. Such fees, when collected by the clerks or other collection officers of such court, shall be paid into the general fund of Clay County. The county governing body shall expend said funds for maintenance or repair of the county jail. A separate fund designated as "Jail Repair Fund" shall be established by the county governing body to be used for the purpose of this Act.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 9, 1980 without approval by the Governor.

Act No. 80-189

H. 696—Stout, Rains

AN ACT

Relating to the City of Fort Payne in DeKalb County; providing further for the manner of electing the members of the city council so as to remove the designation of place number for any council member; providing for the eligibility in run-off elections; prescribing that, except as herein provided, all other laws or resolutions or ordinances governing the operation of the city council and its members shall continue.

Be It Enacted by the Legislature of Alabama:

Section 1. Any law, whether special, local, or general, or municipal ordinance, to the contrary notwithstanding, the City of Fort Payne, in DeKalb County, shall not designate by place number, or by other similar method, seats for city council.

Section 2. In the election for members of the said city council, the ten candidates receiving the greatest number of votes shall be in a run-off election, conducted and called as now provided by law; the five candidates in the run-off election receiving the greatest

number of votes shall be elected to the said city council.

Section 3. Any vacancy in the council which shall exceed twelve months shall be filled by special election in the same manner, on a pro rata basis of the number of seats to fill as the original election, for the duration of the term of the predecessor in office; provided, however, that any vacancy occurring within twelve months of the quadrennial council elections in which a mayor is elected, shall be filled by the council by appointment within thirty days of the occurrence of such vacancy, said appointee to serve out the unexpired term to which he is appointed.

Section 4. The requirements for office, application for candidates and the fees therefor shall continue to be set by resolution of the said city council. It is expressly provided that all other provisions of law and ordinances relating to elections for city council members shall remain effective and except as herein provided, the office of city councilman and the operation of the governing body of Fort Payne, Alabama, shall continue as otherwise provided by law.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 8, 1980

Time: 4:00 P.M.

Act No. 80-190

H. 704—Stout, Rains

AN ACT

To amend Act No. 881, S. 690, 1978 Regular Session, (Acts 1978, p. 1310) which amended Act 418, S. 358 (Acts 1959, p. 1107), which Act authorized the governing body of DeKalb County, Alabama to impose a certain gasoline excise tax within said county so as to delete the provision in Section 2 of said amendatory act that provided for the applicability of the act only for fiscal years 1978-1979 and 1979-1980.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 881, S. 690, 1978 Regular Session (Acts 1978, p. 1310) is hereby amended to read as follows:

"Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 8, 1980

Time: 4:00 P.M.

Act No. 80-191

H. 706—Stout, Rains

AN ACT

Relating to DeKalb County; providing for an additional allowance for election officials who work at polling places.

Be It Enacted by the Legislature of Alabama:

Section 1. In DeKalb County, election officials who work at polling places are hereby entitled to an additional per diem allowance in such an amount as will, together with any amount paid by the state make the total paid to such officials twenty-five dollars (\$25.00) for each day they work at the polls. If the amount paid to such officials as compensation or expense allowance by the state increases in the future, then the amount paid by the county under this Act shall automatically decrease in like amount. In addition, said election officials shall be entitled to a mileage allowance at the same rate as the mileage allowance allowed by state employees. The expense allowances provided for in this Act shall be paid from the general fund of the county.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 8, 1980

Time: 4:00 P.M.

Act No. 80-192

H. 717—Cobb

AN ACT

Relating to Marion County; to provide an additional expense allowance for the county superintendent of education.

Be It Enacted by the Legislature of Alabama:

Section 1. The county superintendent of education in Marion County is hereby entitled to receive an additional expense allowance in the amount of \$200.00 per month. Said expense allowance shall be in addition to any and all other salary, compensation and allowances provided for by law and shall be paid out of the same funds as his present compensation is paid.

Section 2. The provisions of this act shall become effective on the first day of the month next succeeding the month in which this act becomes law.

Approved April 8, 1980

Time: 4:00 P.M.

Act No. 80-193

H. 727—Hammett

AN ACT

Relating to Covington County; to provide for an additional expense allowance for the members of the board of equalization of said county.

Be It Enacted by the Legislature of Alabama:

Section 1. In Covington County, in addition to any and all other compensation, salary and expense allowances provided for by law, there shall be paid to each member of the board of equalization of the county an expense allowance in such an amount as will, together with any amount paid by the state, as salary, compensation or expense allowance, make the total paid to such members equal thirty dollars (\$30) per day. If the amount paid to such members as compensation or expense allowance by the state increases in the future, then the amount paid by the county under this Act shall automatically decrease.

Section 2. The amount paid under the provisions of this Act shall be paid out of the county general fund and shall be paid only when the members of the board of equalization actually attend meetings.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise

becoming a law.

Approved April 8, 1980

Time: 4:00 P.M.

Act No. 80-194

H. 728—Hammett

AN ACT

Relating to the Twenty-Second Circuit, to change the present jury strike system to a one strike system in trials by jury for misdemeanors or felonies not punished capitally or upon appeals to the circuit courts from lower courts.

Be It Enacted by the Legislature of Alabama:

Section 1. Upon the trial by jury in the Circuit Courts of the Twenty-Second Circuit of any person indicted for a misdemeanor, or a felony or upon appeals to the circuit courts from lower courts, the court shall require two lists of all the regular jurors impaneled for the week who are competent to try the defendant to be made, and the District Attorney shall be required to strike from the list the name of one juror, and the defendant shall strike one, and they shall continue to strike off names alternately until only twelve jurors remain on the list, and these twelve jurors thus selected shall be the jury charged with the trial of the case.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 8, 1980

Time: 4:00 P.M.

Act No. 80-195

H. 748—Blake

AN ACT

Relating to St. Clair County; providing for an additional expense allowance for the Probate Judge.

Be It Enacted by the Legislature of Alabama:

Section 1. The St. Clair County Probate Judge shall receive an expense allowance of seventy-five dollars (\$75.00) per month, which shall be paid out of the county general fund and shall be in addition to any and all other compensation, expenses and allowances provided by law.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 8, 1980

Time: 4:00 P.M.

Act No. 80-196

H. 754—Pegues

AN ACT

To amend further Section 1 of Act No. 348, H. 868, Regular Session (Acts 1969, p. 720), entitled, "An Act Relating to Perry County; to provide for an allowance for clerk hire and expenses for the Tax Collector and the Tax Assessor of Perry County, Alabama," so as to increase the amount of said allowance.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 348, H. 868, 1969 Regular Session (Acts 1969, p. 720), entitled, "An Act Relating to Perry County; to provide an allowance for clerk hire and expense for the Tax Collector and the Tax Assessor of Perry County, Alabama," is hereby further amended to read as follows:

"Section 1. The Tax Assessor and the Tax Collector of Perry County may each appoint a clerk to assist in the performance of duties of his office. Each clerk so appointed shall be entitled to receive a salary of not less than \$6,300 per annum. The allowance shall be paid from the general funds of the county in such manner as the governing body of the county may direct."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 8, 1980

Time: 4:00 P.M.

Act No. 80-197

H. 145—Ward, Laird, Turnham

AN ACT

To amend Section 12-17-20, Code of Alabama 1975, which provides for the number of judges in each judicial circuit, so as to provide that there shall be three circuit judges in the fifth circuit and to delete the requirement that said judges live in different counties.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 12-17-20, Code of Alabama 1975, is hereby amended to read as follows:

“§12-17-20. (a) Except as otherwise provided in this section, each judicial circuit of the state shall have one resident circuit judge.

“(b) In the following judicial circuits, there shall be the number of resident circuit judges listed below:

“(1) There shall be two circuit judges in the first judicial circuit. The judge occupying judgeship No. 1 shall be the presiding judge.

“(2) There shall be two circuit judges in the fourth judicial circuit. One of said judges shall be known as the presiding judge and the other as the associate judge.

“(3) There shall be three circuit judges in the fifth judicial circuit.

“(4) There shall be five circuit judges in the sixth judicial circuit.

“(5) There shall be four circuit judges in the seventh judicial circuit.

“(6) There shall be three circuit judges in the eighth judicial circuit.

“(7) There shall be two circuit judges in the ninth judicial circuit.

“(8) There shall be 20 circuit judges in the tenth judicial circuit. The judges numbered 5, 12 and 19 shall sit in the Bessemer division of said circuit. The other judges shall sit in the Birmingham division of said circuit.

“(9) There shall be two circuit judges in the eleventh judicial circuit.

“(10) There shall be two circuit judges in the twelfth judicial circuit.

“(11) There shall be nine circuit judges in the thirteenth judicial circuit.

“(12) There shall be three circuit judges in the fourteenth judicial circuit.

“(13) There shall be six circuit judges in the fifteenth judicial circuit. At least two judges shall be assigned to the criminal division of said circuit, and one or more judges shall be assigned to

the civil division, in the discretion of the presiding judge.

“(14) There shall be four circuit judges in the sixteenth judicial circuit.

“(15) There shall be three circuit judges in the eighteenth judicial circuit.

“(16) There shall be two circuit judges in the nineteenth judicial circuit.

“(17) There shall be three circuit judges in the twentieth judicial circuit.

“(18) There shall be two circuit judges in the twenty-second judicial circuit.

“(19) There shall be six circuit judges in the twenty-third judicial circuit.

“(20) There shall be two circuit judges in the twenty-fifth judicial circuit.

“(21) There shall be two circuit judges in the twenty-sixth judicial circuit.

“(22) There shall be two circuit judges in the twenty-seventh judicial circuit.

“(23) There shall be two circuit judges in the twenty-eighth judicial circuit.

“(24) There shall be two circuit judges in the twenty-ninth judicial circuit.

“(25) There shall be two circuit judges in the thirtieth judicial circuit.

“(26) There shall be two circuit judges in the thirty-first judicial circuit.

“(27) There shall be two circuit judges in the thirty-second judicial circuit.

“(28) There shall be two circuit judges in the thirty-seventh judicial circuit.

“(29) There shall be two circuit judges in the thirty-eighth judicial circuit.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 9, 1980

Time: 1:45 P.M.

Act No. 80-198

S. 207—Holmes

AN ACT

Relating to the Town of Lincoln, in Talladega County; authorizing the Town of Lincoln as a municipal corporation to establish, purchase, construct, maintain and operate a television cable system and to furnish television cable service to the residents of the town and to residents of the municipal corporations and surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidence of indebtedness by such municipal corporation in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting municipal corporations transacting business pursuant to the Act from the jurisdiction and control of the Alabama Public Service Commission.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply only to the Town of Lincoln in Talladega County.

Section 2. The municipal corporation of the Town of Lincoln in Talladega County shall have the right to establish, purchase, construct, maintain and operate a television cable system and to furnish television cable service to their residents and residents of surrounding territory within Talladega County.

Section 3. The municipal corporation is authorized to construct, lease, purchase or otherwise acquire television lines or cables for the furnishing of television service from any point in this state or any other state to said municipal corporation and surrounding territory.

Section 4. For the purposes of this Act such municipal corporation may exercise the right of eminent domain. Such eminent domain proceedings shall be conducted in the manner now provided by law.

Section 5. a) In payment for the purchase, construction, acquisition, extension or maintenance of such television cable system, the said municipal corporation may issue its bonds in the manner provided by law.

b) Such municipal corporation, in order to secure the prompt and faithful payment of the principal and interest of all debts, bonds or other evidences of indebtedness incurred or issued by it for

the construction, acquisition, extension or maintenance of a television cable system may execute a mortgage or deed of trust upon any or all of such system and all properly used in connection therewith, including the franchise or any part thereof.

c) Such mortgage or deed of trust may contain such terms, conditions, covenants and warranties for the protection of the municipal corporation and holders of such bonds or securities issued by such municipal corporation and holders of such bonds or securities issued by such municipal corporation as may be determined and agreed upon by the governing body of the municipal corporation and persons, firms or corporations owning such debts, bonds or securities.

d) Such mortgages may provide that in the event of the foreclosure of such mortgage or deed of trust, that the purchaser at such foreclosure sale may acquire the right, privilege and franchise of operating such system as may be so sold or conveyed, and such purchaser or his vendee may have the right, authority and privilege to carry on and operate such system in the same manner, on the same terms and to the same extent as the municipal corporation is authorized to operate until the municipal corporation may redeem such system from such mortgage sale.

e) Such mortgage or deed of trust may provide that during the ownership of the system by the municipal corporation, its control of the service of the system shall not be diminished or interfered with by the grant of any other franchise for the operation of any other plant or system for similar purposes; and that such rates and charges shall be established and maintained as are sufficient to meet the costs of operation and maintenance; and such municipal corporation may pledge all of the receipts, earnings and revenues from the operation of the system for the payment of the debts, bonds or other evidences of indebtedness secured by such mortgages or deeds of trust.

Section 6. The municipal corporation furnishing television cable service pursuant to this Act shall have the right to agree with any person furnishing television cable service to the public in this state to interconnect the television cable, lines, facilities or systems furnishing such service with, or otherwise make available such cables, lines, facilities or systems to the municipal corporation's television cable, lines, facilities or system in order to provide a continuous line of communication for the municipal corporation's subscribers.

Section 7. The municipal corporation shall have all the power and authority necessary and proper to the exercise of the

powers conferred on it by this Act and in effectuating the purposes of this Act.

Section 8. For the transaction of business pursuant to this Act, the said municipal corporation shall be exempt from the jurisdiction and control of the Alabama Public Service Commission with respect to such business.

Section 9. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 10. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 15, 1980

Time: 1:30 P.M.

Act No. 80-199

S. 306—St. John

AN ACT

To amend Section 27-29-2, Code of Alabama 1975, which provides for investments in subsidiaries and affiliates of domestic insurance companies, so as to further regulate and restrict said investments.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 27-29-2 of the Code of Alabama be and the same is hereby amended to read as follows:

“§27-29-2. (a) Authorization. Any domestic insurer, either by itself or in cooperation with one or more persons, may organize or acquire one or more subsidiaries or affiliates in accordance with the provisions contained in this section. Such subsidiaries or affiliates may conduct any kind of business, or businesses, permitted by the Constitution and the laws of this state, and their authority to do so shall not be limited by reason of the fact that they are subsidiaries or affiliates of a domestic insurer.

“(b) Additional investment authority. — In addition to investments in common stock, preferred stock, debt obligations and other securities permitted under all other sections of this Title, a domestic insurer may also:

“(i) invest, in common stock, preferred stock, debt obligations, and other securities of one or more subsidiaries, amounts which do not exceed the lesser of ten percent of such insurer’s assets or 75 percent of the total of the insurer’s capital and surplus as shown in the latest annual report of the insurer filed pursuant to subsection (a) of Section 27-3-26 of the Alabama insurance code less the minimum capital and surplus required of said insurer for authority to transact insurance by sections 27-3-7 and 27-3-8 of the Alabama insurance code, provided that after such investments the insurer’s surplus as regards policyholders will be reasonable in relation to the insurer’s outstanding liabilities and adequate to its financial needs. In calculating the amount of such investments, there shall be included

“(A) total net monies or other consideration expended and obligations assumed in the acquisition or formation of a subsidiary, including all organizational expenses and contributions to capital and surplus of such subsidiary whether or not represented by the purchase of capital stock or issuance of other securities, and

“(B) all amounts expended in acquiring additional common stock, preferred stock, debt obligations, and other securities and all contributions to the capital or surplus, of a subsidiary subsequent to its acquisition or formation;

“(ii) if the insurer’s total liabilities, as calculated for National Association of Insurance Commissioners annual statement purposes, are less than ten percent of assets, invest any amount in common stock, preferred stock, debt obligations, and other securities of one or more subsidiaries, provided that after such investment the insurer’s surplus as regards policyholders, considering such investment as if it were a disallowed asset, will be reasonable in relation to the insurer’s outstanding liabilities and adequate to its financial needs;

“(iii) invest any amount in common stock, preferred stock, debt obligations and other securities of one or more subsidiaries provided that each such subsidiary agrees to limit its investments in any asset so that such investments will not cause the amount of the total investment of the insurer to exceed any of the investment limitations specified in clause (i) or in Sections 27-41-15 through 27-41-18 and 27-41-35 of Chapter 41 of this Title. For the purpose of this clause, “the total investment of the insurer” shall include

“(A) Any direct investment by the insurer in an asset and

“(B) the insurer’s proportionate share of any investment in an asset by any subsidiary of the insurer, which shall be calculated by

multiplying the amount of the subsidiary's investment by the percentage of the insurer's ownership of such subsidiary;

"(iv) with the approval of the Commissioner, invest any amount in common stock, preferred stock, debt obligations, or other securities of one or more subsidiaries, provided that after such investment the insurer's surplus as regards policyholders will be reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs; and

"(v) invest any amount in the common stock, preferred stock, debt obligations, or other securities of any subsidiary exclusively engaged in holding title to and managing or developing real or personal property, if after considering as a disallowed asset so much of the investment as is represented by subsidiary assets which if held directly by the insurer would be considered as a disallowed asset, the insurer's surplus as regards policyholders will be reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs, and if following such investment all voting securities of such subsidiary would be owned by the insurer.

"(c) Exemption from Investment Restrictions. Investments in common stock, preferred stock, debt obligations or other securities of subsidiaries made pursuant to subsection (b) hereof shall not be subject to any of the otherwise applicable restrictions or prohibitions contained in this Title applicable to such investments of insurers.

"(d) Qualification of Investment: When Determined. Whether any investment pursuant to subsection (b) meets the applicable requirements thereof is to be determined immediately after such investment is made, taking into account the then outstanding principal balance on all previous investments in debt obligations and the value of all previous investments in equity securities as of the date they were made.

"(e) Cessation of Control. If an insurer ceases to control a subsidiary, it shall dispose of any investment therein made pursuant to this Section within three years from the time of the cessation of control or within such further time as the Commissioner may prescribe, unless at any time after such investment shall have been made, such investment shall have met the requirements for investment under any other section of this Title, and the insurer has notified the Commissioner thereof."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved April 15, 1980

Time: 1:30 P.M.

Act No. 80-200

S. 317—Keener, Holmes, Taylor, Little,
Hall, Martin, Bailey, Lemaster,
Vacca, Cook, Mitchem

AN ACT

To provide further for the crime of negotiation of worthless checks and other negotiable instruments; to provide for written notice to makers or drawers of such worthless instruments; to provide further for matters of proof as to persons issuing such worthless instruments; prescribing penalties for violations, and specifically repealing and superseding section 13A-9-13, Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) A person commits the crime of negotiating a worthless negotiable instrument if he negotiates or delivers a negotiable instrument for a thing of value and with the intent, knowledge or expectation that it will not be honored by the drawee.

(b) For the purposes of this section, it is prima facie evidence that the maker or drawer intended, knew or expected that the instrument would not be honored if:

(1) The maker or drawer had no such account with the drawee at the time the negotiable instrument was negotiated or delivered, as determined according to section 7-3-503(2), Code of Alabama 1975; or

(2) Payment was refused by the drawee for lack of funds, upon presentation within 30 days after delivery, and the maker or drawer shall not have paid the holder thereof the amount due thereon, together with a service charge of not more than \$10, within 10 days after receiving written notice from the holder of the instrument that payment was refused upon such instrument, as provided in section 2 hereof; or

(3) Notice that payment was refused is mailed by certified or registered mail and is returned undelivered to the sender, when such notice is mailed within a reasonable time after dishonor to the address printed on the instrument or given by the maker or drawer at the time of issuance of the instrument.

(c) Negotiating a worthless negotiable instrument is a Class A misdemeanor.

(d) The definition of "negotiable instrument" in section 7-3-104, Code of Alabama 1975, applies to sections 1, 2 and 3 hereof.

(e) The definition of "negotiation" in section 7-3-202, Code of Alabama 1975, applies to sections 1, 2 and 3 hereof.

(f) The definition of "delivery" in section 7-1-201(14), Code of Alabama 1975, applies to sections 1, 2 and 3 hereof.

Section 2. For purposes of section 1:

(a) Notice mailed by certified or registered mail, evidenced by return receipt, to the address printed on the instrument or given at the time of issuance shall be deemed sufficient and equivalent to notice having been received by the person making, drawing, uttering or delivering said instrument.

(b) The form of notice shall be substantially as follows: "This statutory notice is provided pursuant to section _____ of the Alabama Code. You are hereby notified that a check or instrument numbered _____, apparently issued by you on _____ (date), drawn upon _____ (name of bank), and payable to _____, has been dishonored. Pursuant to Alabama law, you have 10 days from receipt of this notice to tender payment of the full amount of such check or instrument plus a service charge of not more than \$10, the total amount due being \$_____. Unless this amount is paid in full within the specified time above, the holder of such check or instrument may assume that you delivered the instrument with intent to defraud and may turn over the dishonored instrument and all other available information relating to this incident to the proper authorities for criminal prosecution."

(c) Any party holding a worthless negotiable instrument and giving notice in substantially similar form to that provided in subdivision (b) of this section shall be immune from civil or criminal liability for the giving of such notice and for proceeding under the forms of such notice.

Section 3. Prima facie evidence of identity. In any prosecution or action under the provisions of section 1 hereof, a negotiable instrument for which the information required in subdivisions (a) and (b) of this section is available at the time of issuance shall constitute prima facie evidence of the identity of the party issuing the negotiable instrument and that such person was a party authorized to draw upon the named account.

(a) To establish this prima facie evidence, the following information regarding the identity of the party presenting the negotiable instrument shall be requested by the party receiving such instrument: The presenter's name, residence address, and home phone number. Such information may be provided by either

two methods:

(1) It may be recorded upon the negotiable instrument itself;
or

(2) The number of a check-cashing identification card issued by the receiving party may be recorded on the negotiable instrument. Such check-cashing identification card shall be issued only after the information required in subdivision (a) of this section has been placed on file by the receiving party.

(b) In addition to the information required in subdivision (a) of this section, the party receiving a negotiable instrument shall witness the signature or endorsement of the party presenting such negotiable instrument and, as evidence of such, the receiving party shall initial the negotiable instrument.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws in conflict herewith are repealed, and section 13A-9-13, Code of Alabama 1975, is hereby expressly repealed and superseded.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 15, 1980

Time: 1:30 P.M.

Act No. 80-201

S.J.R. 100—Parsons

SENATE JOINT RESOLUTION

PROVIDING THAT THE LIEUTENANT GOVERNOR AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES MAY AUTHORIZE NOT MORE THAN TWO SENATORS AND NOT MORE THAN TWO HOUSE MEMBERS TO ATTEND THE APRIL 11, 1980, SEMINAR IN COLUMBUS, OHIO, ON ISSUES FACING THE STEEL INDUSTRY, AND PROVIDING FOR REIMBURSEMENT OF ORDINARY AND NECESSARY EXPENSES.

WHEREAS, the American Steel Industry has recently undergone dramatic changes which have resulted in serious economic impact on workers, local communities and states in terms

of unemployment and deterioration of tax bases; and

WHEREAS, the Office of the Speaker of the House in Ohio has planned a one-day seminar for April 11, 1980, in Columbus, Ohio, for the purpose of addressing the vital issues facing the industry; and

WHEREAS, top officials of industry, labor unions and government will make presentations at this conference to result in the presentation of said issues to the United States Congress for action; and

WHEREAS, Alabama, as a steel producing state, has been invited to participate in Ohio's call of the states regarding these serious issues; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Lieutenant Governor and the Speaker of the House of Representatives may authorize the attendance of not more than two Senators and two House members to attend the April 11, 1980, seminar in Columbus, Ohio, on issues facing the steel industry.

BE IT FURTHER RESOLVED, That legislators be reimbursed for ordinary and necessary expenses in attending said conference from the funds appropriated to the use of the Legislature upon the certification of the Secretary of the Senate and the Clerk of the House.

Approved April 15, 1980

Time: 1:30 P.M.

Act No. 80-202

S.J.R. 102—Little

SENATE JOINT RESOLUTION

COMMENDING THE RANDOLPH COUNTY HIGH SCHOOL TIGERS, 1979 FOOTBALL CHAMPIONS.

WHEREAS, County, Area, Region and South Alabama Football Champions for 1979 total four Titles for the Randolph County High School Tigers with an awesome 11-3 record in Regular and Post season play; and

WHEREAS, Coached by Ron Watters and assistants Ricky Armstrong and Bobby Ray Green, the Tigers played six complete shutouts while outscoring their opponents 221-58; as Class 2A State Runnerup, the team yielded a miserly 15 points in four Playoff

games, having previously ceded just 24 points in six games of Area play; and

WHEREAS, Coach Watters was named 2A Coach of The Year by *The Montgomery Advertiser*, while Noseguard Alvin Wright made the *Birmingham News-Post Herald* All-State First Team and was named 2A Player of the year by *The Advertiser*; Defensive End Tim Brown also was named to the All-State First Team by *The News* and Tailback Gary O'Neal received Honorable Mention All-State by *The News* and *Post-Herald*; and

WHEREAS, final credit, however, for the Tigers' outstanding season must be attributed to each and every player for the remarkable team effort displayed all season long; sponsors, cheerleaders and team managers, as well, joined in support of the Tigers to contribute to the big, winning '79 season for Randolph County High; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend the Randolph County High School Football Team as County, Area, Region and South Alabama Champs for 1979.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Superintendent Hugh Lee Morris, Principal Hulond Humphries, to Coach Watters on behalf of the entire team, with a copy also provided for appropriate school display.

Approved April 15, 1980

Time: 1:30 P.M.

Act No. 80-203

S.J.R. 105—deGraffenried

SENATE JOINT RESOLUTION

CREATING A COMMITTEE TO STUDY UTILIZATION AND VALUE OF LAND OWNED BY THE DEPARTMENT OF MENTAL HEALTH

WHEREAS, the Governor of the State of Alabama and the Department of Mental Health are presently under federal court order mandating certain changes and improvements in the conditions for mentally ill and mentally retarded patients of the Alabama Department of Mental Health; and

WHEREAS, great expense will be incurred in complying with said court order; and

WHEREAS, the Department of Mental Health has various land holdings around the State; and

WHEREAS proven management, utilization and possible sale of said lands could provide additional revenues thereby easing the burden on the state general fund in meeting the cost of implementing the federal court requirements; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a committee be formed to make a study of the Department of Mental Health lands and consider the most feasible utilization of said lands. The committee shall be composed of three members of the House of Representatives appointed by the Speaker of the House of Representatives, three members of the Senate appointed by the President of the Senate, and three members of the general public, one each appointed by the Governor, the Speaker of the House, and the President of the Senate. The Speaker of the House and the President of the Senate shall be ex officio members of the committee with the chairman to be selected by and from among the membership. The committee shall meet on the call of the chairman. Said committee members shall receive compensation and payment for ordinary expenses for attending meetings up to a total sum of \$7,500. The three members of the general public shall also receive equal expense allowance as the legislative members to be paid from funds appropriated to the Governor's office for attending committee meetings. The committee shall file a report of its findings and recommendations with the Governor, Lt. Governor, Speaker of the House and with each member of the Senate and House by the first legislative day of the 1981 Regular Session and shall be terminated on said first legislative day of the 1981 Regular Session; and

BE IT FURTHER RESOLVED That the committee shall be empowered to require four persons knowledgeable in land value and use to assist them as needed with one person to be supplied from each of the following state agencies: Department of Examiners of Public Accounts, Department of Revenue, Department of Agriculture and Industries and the State Forestry Commission. Said representatives of state agencies shall be utilized and employed by the committee as needed to assist and ascertain the status, current value or fair market value, and highest and best use of each tract owned, leased or under the control of the State Department of Mental Health; also

BE IT FURTHER RESOLVED That as a part of the committee's final report the Governor, the Lieutenant Governor, Speaker of the House and each member of the Senate and House be

supplied with a comprehensive listing of every piece of real estate owned by the Department of Mental Health, said listing to be alphabetical in order by counties showing the following points of information:

- (1) Its legal description and total acreage
- (2) Its current value or fair market value
- (3) How it is presently being used by the Department of Mental Health
- (4) The committee's recommendation for sale, retention, usage at present or other recommendation for its use.

Upon the request of the chairman, the Secretary of the Senate and Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. Each legislative member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses incurred within the State for each day he attends a meeting of the committee when the Legislature is not in session or when the Legislature is in recess without pay.

Approved April 15, 1980

Time: 1:30 P.M.

Act No. 80-204

S.J.R. 106—Miller, Little and Kirkland

SENATE JOINT RESOLUTION

CONGRATULATING THE EMPLOYEES OF COVINGTON ELECTRIC COOPERATIVE ON THEIR OUTSTANDING SAFETY RECORD.

WHEREAS, at the recent February meeting of the Andalusia Area Chamber of Commerce, the Covington Electric Cooperative was presented a special award in recognition of the outstanding safety record achieved by its employees, 300,000 hours of work without a disabling or lost-time accident; and

WHEREAS, the Cooperative's employees, and most particularly the Safety Committee, are indeed to be commended for such an achievement requiring utmost diligence and effort on the part of each participant; and

WHEREAS, the safety program at Covington Electric is directed and coordinated by safety committeeman Woodrow Busbee, Roy H. Weaver, Jr., Chad Martin, W. C. "Pap" Wilson and

Grady Reeves; and

WHEREAS, it is to be further noted that the 68 employees of the Covington Electric Cooperative have now embraced safety goals of first attaining 400,000 hours, then one-half million hours, without a disabling injury; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate the Covington Electric Cooperative on 300,000 hours, since August 1977, without a disabling or lost-time accident.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Covington Electric Cooperative on behalf of its Safety Committee and all employees that they may know of our sincere congratulations on such an outstanding safety record.

Approved April 15, 1980

Time: 1:30 P.M.

Act No. 80-205

S.J.R. 107—Miller and Little

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF MR. MANUEL R. RUSSO OF ANDALUSIA, ALABAMA.

WHEREAS, The Alabama Legislature has been deeply saddened by the death of Mr. Manuel R. Russo of Andalusia, Alabama, on February 24, 1980, at the age of 66; and

WHEREAS, Mr. Russo, who was widely and affectionately called "Manny" by his many friends and associates, was one of his community's most outstanding citizens and was known statewide for his interest in and involvement with baseball; and

WHEREAS, Mr. Russo, a graduate of Ramsay High School, played baseball in his native Birmingham, prior to joining the Alabama-Florida League to play with Enterprise, and moved to Andalusia in 1937 when he was a member of the Dothan team; following combat service in the South Pacific during World War II, he played in the Alabama State League for Geneva and then with the Andalusia Arrows; and

WHEREAS, after playing with several other semi-professional teams in Georgia, South Carolina and Alabama, Manny Russo returned to Andalusia, thereafter actively working

with Little League and Babe Ruth baseball until his death; and

WHEREAS, Mr. Russo, a former member of the Andalusia City Council, served for the past four years as president of the regular Babe Ruth League, and was a member of the Andalusia Umpires' Association; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mr. Manuel R. Russo and extend our most heartfelt sympathy to his wife, Mrs. Juanita Russo, to their son, Manuel Russo, Jr., their daughter, Mrs. Phyllis Helms, and other family members to whom copies of this resolution shall be sent as evidence of our shared sorrow in their great loss.

Approved April 15, 1980

Time: 1:30 P.M.

Act No. 80-206

S.J.R. 113—Martin

SENATE JOINT RESOLUTION

CREATING THE MORGAN COUNTY ELECTED AND APPOINTED OFFICIALS SALARY COMMISSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there be and hereby is established in Morgan County, a Commission to be known as The Morgan County Elected and Appointed Officials Salary Commission, hereinafter called "The Commission."

The Commission shall be composed of five (5) members with two of its members from government, two members from business, and a chairman. The members from business and government shall include one lawyer, a manager, and a salary administrator. Its membership shall be appointed by the Morgan County Legislative Delegation.

The chairman shall preside over all meetings. The Commission shall make its own rules for the conduct of business. The initial meeting shall be held at the call of the chairman. Members of The Commission shall serve without compensation. Their appointment to this Commission shall expire on January 1, 1982.

The objective of The Commission will be to provide information and recommendations regarding salaries of Morgan County

elected and appointed officials. The specific objectives of The Commission shall be described by the Morgan County Legislative Delegation.

Approved April 15, 1980

Time: 1:30 P.M.

Act No. 80-207

S.J.R. 120—Martin

SENATE JOINT RESOLUTION

CONGRATULATING AND COMMENDING THE STUDENTS OF AUSTIN HIGH SCHOOL, DECATUR, ALABAMA, SEVEN TIMES NATIONAL BLOOD DRIVE CHAMPIONS.

WHEREAS, Decatur's Austin High School has once again, and for the seventh consecutive year, set a new national high school blood drive record, an accomplishment indeed worthy of high commendation; and

WHEREAS, beginning in 1966 in response to a challenge by Athens High School, Austin High's first effort resulted in the collection of 466 units of blood, the amount increasing annually to this year's 1,956 pints to bring home another national championship to Alabama and to their home town of Decatur; and

WHEREAS, under the direction of the Student Council, the entire student body worked to achieve precision organization in publishing the drive, issuing donor cards and assisting Red Cross workers in the actual taking of blood; and

WHEREAS, it is to be noted that Austin High School for the past several years has been in the unique position of breaking its own record, and each year, proud in their accomplishment, are even more determined to do so again; and

WHEREAS, though to be congratulated for an outstanding competitive spirit, the students of Austin High School are most deserving of praise for the worthiness of their cause and for their unity in achieving such a goal; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Austin High School on its seventh consecutive national high school blood drive championship, and express the inordinate pride we share with all of Decatur, Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Principal Bearl Whitsett for appropriate school display with copies also provided for Mrs. Mary Ellen Poole, Teacher Sponsor of the drive; Student Council President, Howard Hendrix and to Cindy O'Brien and Steve Adkison, co-chairpersons of this year's Championship Drive.

Approved April 15, 1980

Time: 1:30 P.M.

Act No. 80-208

H. 77—Manley

AN ACT

To transfer the Richmond Pearson Hobson home located in Greensboro, Alabama, and any other property under the management of the Richmond Pearson Hobson Memorial Board to the Alabama Historical Commission; and to abolish the Richmond Pearson Hobson Memorial Board.

Be It Enacted by the Legislature of Alabama:

Section 1. The Richmond Pearson Hobson Memorial Board as established in Section 41-9-221 of the Code of Alabama 1975, is abolished. All property, real and personal, under the management and control of the memorial board, including but not limited to "Magnolia Grove," the Richmond Pearson Hobson home and lands located in Greensboro, Alabama, and all powers, authority and jurisdiction over such property, are hereby transferred to the Alabama Historical Commission; and any right, title or interest which the state has in the above described property is also transferred to the Alabama Historical Commission. The Alabama Historical Commission shall have full authority to develop, renovate, restore, preserve, maintain, operate, exhibit and publicize such property in accordance with the powers and responsibilities of the Alabama Historical Commission.

Section 2. All unencumbered and unexpended funds appropriated to the Richmond Pearson Hobson Memorial Board or any funds whatsoever under its jurisdiction and control shall be transferred to the Alabama Historical Commission.

Section 3. Title to the property, which is the subject of this Act, was vested in the State of Alabama and the Alabama Historical Commission by two deeds, one dated May 17, 1944, conveying the property known as the Richmond Pearson Hobson home and lands which is recorded in the Probate Office, Hale County, Alabama, in Deed Book A-17, at page 582, which said deed

contains certain reversionary interests, and a subsequent deed filed December 21, 1979, from the Hobson heirs to the Alabama Historical Commission conveying all reversionary and remainder rights to the Commission which deed is filed for record in the Probate Office, Hale County, Alabama, in Deed Book A-84, at page 825. These two deeds combined convey the property subject to this Act free and clear to the State of Alabama and the Alabama Historical Commission.

Section 4. Section 41-9-221 of the Code of Alabama 1975, is repealed. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 15, 1980

Time: 1:30 P.M.

Act No. 80-209

H.J.R. 130—Laird

HOUSE JOINT RESOLUTION

CONGRATULATING 2A COACH OF THE YEAR RON WATTERS, AND HIS RANDOLPH COUNTY HIGH SCHOOL TIGERS.

WHEREAS, it is with great pleasure that the Alabama Legislature notes the County, Area, Regional and South Alabama Football Championships captured by the Randolph County High School Tigers, coached by Ron Watters, who was prestigiously named 2A Coach of the Year by the *Montgomery Advertiser*; and

WHEREAS, honors also went to No. 76, noseguard Alvin Wright, who was named to the All-State First Team by the *Birmingham News-Post Herald* as well as 2A Player of the Year by the *Montgomery Advertiser*; No. 87, defensive end Tim Brown, who was named to the All-State First Team by the *News*; and No. 26, tailback Gary O'Neal, who was Honorable Mention All-State by the *News* and *Post-Herald*; other team members are: No. 7 Jay Fincher, No. 11 Mark Edwards, No. 12 Dave Strain, No. 15 Michael Lipscomb, No. 16 Tommy Brown, No. 20 Larry Strain, No. 22

Thomas Knight, No. 23 Keith Langley, No. 24 Jeff Napier, No. 30 Pat Mullican, No. 31 Rudd Cummings, No. 32 Garfield Robertson, No. 33 Richie Traylor, No. 36 Craig McClure, No. 40 Earl Boyd, No. 44 Tim Wyatt, No. 45 Brent Calhoun, No. 50 Roy Brazeal, No. 51 Greg Huey, No. 53 Dennis Waldrop, No. 55 Randy Benefield, No. 60 Wendell Huddleston, No. 61 Mark Wyatt, No. 64 Scott Wortham, No. 65 Charles Bassett, No. 66 Charles Mote, No. 69 Jeff Gregg, No. 70 Craig Payne, No. 72 Jeff Benefield, No. 75 Billy Lake, No. 77 Napoleon Ponder, No. 78 Danny Hester, No. 80 Arris Satterwhite, No. 81 Quinton Cooley, No. 82 John Davis, No. 85 Frederick Waters, No. 88 Scott Fowler, and No. 89 Tommy Bradford; and

WHEREAS, the Tigers, also State 2A Runnerup, had an 11-3 season record, outscoring their opponents 221-58 and giving up only 15 points in four playoff games and just 24 points in six area games; and

WHEREAS, cheering the Tigers to their phenomenally successful season were the band, sponsors, cheerleaders and managers, as well as the thousands of fans who turned out during the season to support their team; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly congratulate the Randolph County High School Tigers on their brilliant 1979-80 season, 2A Coach of the Year Ron Watters, and assistant coaches Ricky Armstrong and Bobby Ray Green.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the school, to Coach Watters, on behalf of the entire team, and to Alvin Wright, Tim Brown and Gary O'Neal.

Approved April 15, 1980

Time: 1:30 P.M.

Act No. 80-210 H.J.R. 155—Ford, Drinkard, Adams (H)

HOUSE JOINT RESOLUTION

COMMENDING DR. LARRY LEWISKI, WOMEN'S BASKETBALL COACH AT GADSDEN STATE JUNIOR COLLEGE AND COACH OF THE YEAR, NORTHERN DIVISION, AJCAA.

WHEREAS, the Alabama Legislature, in pleased concurrence, notes the second consecutive selection of Gadsden

State's women's basketball coach, Dr. Larry Lewiski, as Coach of the Year, Northern Division, of the Alabama Junior College Athletic Association; and

WHEREAS, Dr. Lewiski, who has completed three seasons as women's basketball coach, is a graduate of Emma Sansom High School, lettering in football, baseball and basketball, and of the University of Alabama where he was awarded B.S., M.A. and Ed.D. degrees; a former assistant with Gadsden State's men's basketball team, he presently is additionally serving as Director of Women's Athletics for Region XXII of the NJCAA; and

WHEREAS, under Coach Lewiski's direction, Gadsden State's Lady Confederates have an overall 50-24 record and have finished second the past two years in state-region play; 18-9 this year in regular season play, his ladies also won the Northern Division, AJCAA Championship; now therefore,

BE IT RESOLVED BY THE LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That we congratulate Coach of the Year, Dr. Larry Lewiski of Gadsden State Junior College, and most highly commend him on his outstanding career.

BE IT FURTHER RESOLVED, That Dr. Lewiski be sent a copy of this resolution that he may know of our high praise and esteem.

Approved April 15, 1980

Time: 1:30 P.M.

Act No. 80-211

H.J.R. 156—Ford, Drinkard, Adams (H)

HOUSE JOINT RESOLUTION

HONORING COACH OF THE YEAR STAN COOK OF GADSDEN STATE JUNIOR COLLEGE.

WHEREAS, Gadsden State's men's basketball coach, Stan Cook, for the second consecutive year, has been accorded the high honor of being selected Coach of the Year for the Northern Division of the Alabama Junior College Athletic Association; and

WHEREAS, in just his third year at Gadsden State, Coach Cook has directed his "Confederates" to a phenomenal 70-15 record, overall, with his teams placing third in regional play in 1978 and second in '79; and

WHEREAS, this year, finishing regular season play with a 23-

4 record, Cooks' Confederates captured the Northern Division Championship of the AJCAA; and

WHEREAS, Coach Cook, a graduate of Union Springs High School where he excelled in all sports, also played basketball and baseball at the University of Alabama from which institution he earned both his B.S. and M.S. degrees; prior to his association with Gadsden State, he taught at the Citadel and was head coach at Alexander City Junior College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Coach of the Year, Stan Cook of Gadsden State Junior College, and direct that he receive a copy of this resolution in token of our warm praise and high regard.

Approved April 15, 1980

Time: 1:30 P.M.

Act No. 80-212

H.J.R. 157—Ford

HOUSE JOINT RESOLUTION

HONORING COLONEL RICHARD A. PEACOCK OF BIRMINGHAM, ALABAMA.

WHEREAS, the Alabama Legislature has noted the announced retirement, on May 10, 1980, of Colonel Richard A. Peacock as Chief of Staff, 167th Support Command of the Alabama Army National Guard; and

WHEREAS, Colonel Peacock, a native of Birmingham, Alabama, a graduate of St. Paul's High School and the University of Alabama and an employee of the Alabama Power Company, is a former Special Forces Commander and veteran of the Korean Conflict who has served in numerous assignments with the Alabama Guard; and

WHEREAS, variously he has served as Supply Officer and Executive Officer of the 143rd Quartermaster Group, as Assistant Chief of Staff-Security Plans and Operations, 167th Support Brigade, and in his present assignment for the past seven years; and

WHEREAS, Colonel Peacock is a graduate of the Associate Infantry Company Officer's Course at the Infantry School, Fort Benning, Georgia, the Special Warfare School at Fort Bragg, North Carolina, the Quartermaster School at Fort Lee, Virginia,

and also of the United States Army Command and General Staff College; and

WHEREAS, his military decorations and awards include the Combat Infantryman's Badge, Army Commendation Medal, Korean Service Medal with two Bronze Stars, United Nations Service Medal, National Defense Service Medal, Army Reserve Components Achievement Medal, Armed Forces Reserve Medal, Distinguished Service Medal of Alabama, Veterans Service Medal of Alabama, Faithful Service Medal of Alabama, Phenix City Civil Disturbance Medal of Alabama and the Parachutist Badge; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Colonel Richard A. Peacock on his prestigious career with the Alabama Army National Guard and express our deep appreciation for his courageous and dedicated service to our state and nation.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Colonel Peacock in token of our warm praise and high regard.

Approved April 15, 1980

Time: 1:30 P.M.

Act No. 80-213

H.J.R. 159—Biddle

HOUSE JOINT RESOLUTION

CONGRATULATING AND COMMENDING THE JEFFERSON STATE JUNIOR COLLEGE PIONEERS ON THEIR OUTSTANDING BASKETBALL SEASON.

WHEREAS, it is with great pride and pleasure that the Legislature of Alabama both congratulates Jefferson State Junior College and voices appreciation to the Pioneer cagers for the fame and honor they have brought to our state as runnerup in the National Junior College Basketball Tournament in Hutchinson, Kansas; and

WHEREAS, second in its division, the Jefferson State Pioneers won Alabama's junior college post-season tournament and went to the Nationals 33 and 0; four more big wins made it 37-0 going into the title match against Western Texas College which the Westerners claimed 85-72, in its toughest battle of the tournament; and

WHEREAS, the Pioneer's head coach is Bill Lankford who indeed deserves much credit for his team's tremendous showing in tournament play as well as all season long; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Coach Bill Lankford and the Jefferson State Junior College Pioneers as second in the nation in the National Junior College Basketball Tournament.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for appropriate school display with a copy also sent to Coach Lankford, on behalf of the entire team, as evidence of our high praise and warm regard.

Approved April 15, 1980

Time: 1:30 P.M.

Act No. 80-214

H.J.R. 162—Manley, Pegues

HOUSE JOINT RESOLUTION

COMMENDING MARENGO COUNTY SHERIFF WILLIAM H. SMITH, JR., FOR HIS OUTSTANDING ACCOMPLISHMENTS IN THE AREA OF PENAL REFORM.

WHEREAS, in a time of crisis for many of our state's county jails due to overcrowding and limited finances and other resources, the Marengo County facility serves as a model operation of efficiency and positive reform, a result primarily of the foresight and initiative of Sheriff William H. "Billy" Smith, Jr.; and

WHEREAS, even prior to a 1975 court order enjoining state prisons from accepting inmates from the counties until our state's correctional population was reduced, Sheriff Billy Smith already was in the process of transforming his county's traditional system into one which has received national recognition for its phenomenal success; his facilities, additionally, because of a decrease in the recidivism rate of inmates, have proved capable of housing those prisoners sentenced to state terms, yet left in Marengo County; and

WHEREAS, Sheriff Smith's innovative program involves several areas of inmate services made available through cooperative efforts between the Sheriff's Department and various state agencies, most particularly the West Alabama Mental Health Center and also the Alabama Department of Education and the Alabama Rehabilitation Service, as well; work release programs,

increased levels of inmate responsibility, GED testing, programs for the handicapped and mentally retarded, and a volunteer skills training program have all served to transform the Marengo County jail into a model of penal reform; and

WHEREAS, in 1978, the Marengo County jail was selected as one of seven model jails nationwide, chosen by the Western Interstate Commission for Higher Education and, in 1979, Sheriff Smith's program received the National Rural Justice Award by the American Rural Health Association; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend William H. "Billy" Smith, Jr., for outstanding and continuing accomplishments during his tenure as Sheriff of Marengo County, Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Sheriff Smith in token of our appreciation and as evidence of our high praise and esteem.

Approved April 15, 1980

Time: 1:30 P.M.

Act No. 80-215 H.J.R. 164—Campbell, Willis, Blake, Crowe

HOUSE JOINT RESOLUTION

DESIGNATING THE WEEK OF OCTOBER 7-12, 1980, AS
"CALHOUN COUNTY INDUSTRY WEEK."

WHEREAS, the Legislature of Alabama recognizes the many contributions that the industries of Calhoun County have made not only to the economy of both Calhoun County and the State of Alabama, but also to the people in gifts of time and talent to promote community progress; and

WHEREAS, it is with enthusiasm that we endorse the fifth annual "Industry on Parade" exhibition sponsored by the Calhoun County Chamber of Commerce, to be held at Quintard Mall, October 7-12, 1980; and

WHEREAS, We salute the joint enthusiasm of 59 industries and the Calhoun County Chamber of Commerce in their effort to enhance community awareness and appreciation for the diversity and impact of Calhoun County's industrial base; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF

ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in praise, we hereby designate the week of October 7-12, 1980, as "Calhoun County Industry Week" to honor and give distinction to such industries.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Calhoun County Chamber of Commerce and to each of the participating industries as evidence of our enthusiastic endorsement of their "Industry on Parade."

Approved April 15, 1980

Time: 1:30 P.M.

Act No. 80-216

H.J.R. 165—Starkey, Coburn, Greer

HOUSE JOINT RESOLUTION

CONGRATULATING AND COMMENDING THE UNIVERSITY OF NORTH ALABAMA BASKETBALL TEAM, OUTSTANDING IN NCAA COMPETITION.

WHEREAS, the University of North Alabama basketball teams have made the NCAA Division II national playoffs by finishing among the top four teams in the country three of the past four years; and

WHEREAS, in 1979, UNA became the first school in Alabama to win an NCAA national championship and subsequently, in 1980, became the first to defend an NCAA title; and

WHEREAS, it is to be further noted that the University of North Alabama Lions have taken part in fifteen Division II playoffs games since 1977 with a 12-3 overall record in such competition; and

WHEREAS, Coach Bill Jones has won 115 games and lost only 53 in his six seasons as Head Coach at his Alma Mater, UNA; he is assisted by Coach Wendell Hudson and student assistant coach Tim Morgan and his team's trainers are Johnny Long and Alec Winston; and

WHEREAS, UNA's 1980 cagers featured a first-team Division II All-American selection in senior guard Otis Boddie who played, as did senior forward Garry Moore and senior center Gerald Lavender, on four Lion teams which posted an average of 21 victories per season; players Johnny Buckmon, Albert Owens, Robert Taylor, Tim McCormick, Pat Lewallen, Gary Mitchell,

Mark Smith, Lawrence Collier, Garry Golden and James Graham completed UNA's outstanding roster of stars, each of whom greatly contributed to the Lions' tremendous 1980 season; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend the UNA Lions on their outstanding season and on their many past accomplishments in NCAA basketball competition.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for appropriate school display with a copy also sent to Head Coach Bill Jones on behalf of his assistants, team managers and the entire team.

Approved April 15, 1980

Time: 1:30 P.M.

Act No. 80-217

H.J.R. 166—Hammett

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MARK WISE OF ANDALUSIA, ALABAMA.

WHEREAS, the Legislature of Alabama has been deeply saddened by the untimely death of Mark Wise in Birmingham, Alabama, on March 22, 1980, at the young age of just 22 years; and

WHEREAS, a native and lifelong resident of Andalusia, Mark's death came just shortly before he was to graduate from the Auburn University School of Business and receive his commission as a regular Army Lieutenant in the United States Infantry; and

WHEREAS, Mark's extraordinary potential for responsible adulthood was early evidenced by his outstanding achievement as a Scout, a member of Troop 46 and later of Post 46 as an Explorer; becoming an Eagle Scout in 1974, he was tapped into the Order of the Arrow, served as an Assistant Scoutmaster and attended the National Scout Jamboree in Moraine State Park, Pennsylvania, and had also served as staff member at Philmont Scout Ranch in New Mexico; and

WHEREAS, he was a 1976 graduate of Andalusia High School where he was the school photographer, band member, Key Club member, representative to Alabama Boy's State and an award participant in JROTC; and

WHEREAS, during his four years at Auburn, Mark Wise excelled in the University's Army ROTC program and was commander of the War Eagle Ranger Company; he was a recipient of two ROTC scholarships, was awarded the Black Beret of the AU War Eagle Ranger, was a member of the Auburn University Pershing Rifles and, additionally, was a graduate of the Airborne School at Ft. Benning, earning his wings as a paratrooper, and a later graduate of the Air Assault School, Ft. Campbell, Kentucky; and

WHEREAS, a certified scuba diver and vice president of Wise Tractor Company, Mark was a member of Delta Sigma Phi and of the First United Methodist Church of Andalusia; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mark Wise of Andalusia, Alabama, an outstanding young man and citizen of our state.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to his parents, Mr. and Mrs. Saxton Wise, that they may know of our concern for them in their time of grief and that we deeply share the sorrow of their loss.

Approved April 15, 1980

Time: 1:30 P.M.

Act No. 80-218

H.J.R. 144—Bennett, Drinkard, Dixon

HOUSE JOINT RESOLUTION

EXPRESSING THE DESIRE OF THE LEGISLATURE REGARDING TEACHER CERTIFICATION FOR EARNED GRADUATE DEGREES.

WHEREAS, the public schools are available to all children and youth and are mandated by state government for the purpose of meeting these needs; and

WHEREAS, the public and the State Legislature are not content with merely providing schools but, far more importantly, are concerned with the quality of the programs the schools offer; and

WHEREAS, the public and the State Legislature recognize that the effectiveness of the classroom teachers is the single most important factor in assuring that the public schools conduct quality

educational programs for the students and achieve their objectives; and

WHEREAS, it is obvious that teachers must have mastery of the subject matter in the field in which they teach if they are to be judged competent and be able to perform effectively in the classroom for the benefit of the students for whom they are responsible; and

WHEREAS, the State Legislature has a deep and abiding concern that every teacher employed in the public schools of this state be provided the maximum opportunity through their formal professional training to achieve mastery of the subject matter in the field in which they are employed to teach; and

WHEREAS, the issue of allowing teachers the option to take graduate level classwork completely in subject area has been widely championed by Mrs. Barbara Murphy, a Homewood High School chemistry teacher; and

WHEREAS, methodology courses are more a part of the under-graduate teacher training program than those at the Master's level where advanced subject area should rightfully be expressed; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express our strong desire that the State Board of Education move immediately to consider providing teachers the option of completing graduate work leading to a Master's degree or beyond in their teaching field and be certified and be paid accordingly.

Approved April 17, 1980

Time: 4:30 P.M.

Act No. 80-219

H.J.R. 169—Boles, Manley, Payne,
Trammell, Olive, Cheatwood,
Nevett, Bennett, Lewis,
Waggoner, Seibels, Cabaniss,
Howard, Moore, Hilliard,
Harrison, Horn, Penry, Biddle,
Amari, Naramore, Carter,
Edwards, Campbell, Dial,
Turnham, Reed, McCorquodale,
Warren, Sandusky, Gafford,

Adams (C), Owens, Adams (H),
 Albright, Barton, Bedsole,
 Blake, Bowling, Brakefield,
 Buskey, Carothers, Cates,
 Clark (G), Clark (W), Cobb,
 Coburn, Cooley, Cosby, Crow,
 Daniels, Dixon, Drinkard, Ford,
 Gilmer, Goodwin, Greer, Gregg,
 Grimsley, Grouby, Hall,
 Hammett, Harper (O),
 Harper (T), Harvey, Hines,
 Holley, Holmes, Jackson,
 Johnson (R.G.), Johnson (Roy),
 Kelley, Kennedy, Laird,
 Langford, Letson, McKee,
 McMillan, Minus, Mitchell,
 Parker, Patton, Pegues, Rains,
 Ray, Riddick, Roberts, Sasser,
 Shavers, Shoemaker, Smith (C),
 Smith (J), Smith (M), Starkey,
 Stewart, Stout, Tucker, Turner,
 Venable, Ward, Whatley,
 Williams, Willis, Wyatt, Zoghby

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MR. J. EARL JONES OF BESSEMER, ALABAMA.

WHEREAS, the Legislature of Alabama has been deeply saddened by the death of Mr. J. Earl Jones of Bessemer, Alabama, on March 30, 1980, at the age of 74; and

WHEREAS, Earl Jones was a former member of the Legislature, elected in 1970 to the Alabama House of Representatives from Jefferson County District 17, and he was a good friend as well as colleague of many present members of the Legislature; he was assigned to and served as a member of the Rules, Business and Labor, and Local Legislation Committees; and

WHEREAS, a native of Whiteside, Tennessee, but a resident of Jefferson County for most of his life, Earl Jones was a retired employee of Southern Railway; a Mason and a Shriner, he also was a member of the Methodist Church, the Lions Club and the Eagles; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That

we grievously mourn the death of J. Earl Jones of Bessemer, Alabama, and express our most heartfelt sympathy to all his family.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to his wife and our friend, Mrs. Frances Copeland Jones, that she and her children, as well as other family members, may know of our deeply shared sorrow in their great loss.

Approved April 17, 1980

Time: 4:30 P.M.

Act No. 80-220 H.J.R. 172—Dixon, McKee, Hammett,
Zoghby, McCorquodale

HOUSE JOINT RESOLUTION

HONORING HIS ROYAL HIGHNESS, PRINCE KHALED BIN SULTAN BIN ABDULAZIZ OF SAUDI ARABIA, AND INVITING HIM TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

WHEREAS, the Legislature of Alabama is itself honored to pay tribute to His Royal Highness, Prince Khaled bin Sultan bin Abdulaziz of Saudi Arabia, currently a guest in residence of Montgomery and the State of Alabama; and

WHEREAS, Prince Khaled, who is in our country to attend the military prestigious Air War College at Maxwell Air Force Base, is also enrolled in the Political Science Master's Program at our own Auburn University in Montgomery; and

WHEREAS, since his arrival, the Prince has most freely and generously extended his friendship not only to the American people in general, but most particularly to the citizens of Alabama and to the members of the Alabama Legislature, a kindness for which we do indeed express sincere and deep gratitude; and

WHEREAS, in recognition of the leadership role that Prince Khaled plays in today's complex world, we are further most grateful for his pro-American influence in the entire Middle Eastern Region; and

WHEREAS, it is also with sincerity that we look upon Prince Khaled as ambassador nonpareil, singular in his exemplary representation of the people of Saudi Arabia whom we value as trusted allies and genuine friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in warm and continuing welcome as our guest in Alabama, we hereby express highest regard for Prince Khaled bin Sultan bin Abdulaziz; we extend to him a cordial invitation to address the Alabama House of Representatives and Alabama State Senate on Thursday, April 17, 1980, at 11:00 A.M. and hopefully anticipate his acceptance.

BE IT FURTHER RESOLVED, That His Royal Highness receive a copy of this resolution as evidence of our esteem, in appreciation for his friendship and as an expression of our delight in having him with us in Alabama; it is our further desire that a copy also be sent to His Majesty, King Khalid of Saudi Arabia.

Approved April 17, 1980

Time: 4:30 P.M.

Act No. 80-221

H.J.R. 183—Minus

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF TILLMAN J. WRIGHT, BUTLER, ALABAMA.

WHEREAS, Tillman J. Wright passed away on March 15, 1980; and

WHEREAS, Tillman J. Wright was very instrumental in organizing and founding the First National Bank of Butler in 1964; and

WHEREAS, he served as a member of the Board of Directors of said Bank from its beginning until his death, during which time he contributed greatly to its growth and development through his devoted and unselfish efforts; and

WHEREAS, Tillman J. Wright was also a devoted public official, having served as a member of the City Council of the City of Butler, Alabama, for 22 years, as Mayor Pro Tem of the City of Butler for one year, and as a member of the Utilities Board of said city from its first organization.

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the members hereby extend their sympathy to the widow, Olna P. Tillman; a son, Donald T. Tillman, relatives

and his many friends; especially the Directors, Bank Officials and Employees of the First National Bank of Butler.

BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to his widow and to the Board of Directors of the First National Bank of Butler.

Approved April 17, 1980

Time: 4:30 P.M.

Act No. 80-222 H.J.R. 186—Dial, Shoemaker, Moore,
Johnson (R.G.), Campbell

HOUSE JOINT RESOLUTION

RECOGNIZING MR. WILLIAM H. G. FRANCE FOR HIS PROMINENCE IN AMERICAN MOTORSPORTS.

WHEREAS, a native of Washington, D.C., and a resident of Florida for many years, Mr. William H. G. France is acknowledged as the most influential leader in American Motorsports; and

WHEREAS, though the organizing founder and longtime president of NASCAR and a 1976 selection for the Stock Car Racing Hall of Fame, "Big Bill" France is known and gratefully admired in Alabama for his establishment of the now world-famous Alabama International Motor Speedway at Talladega, centrally located to benefit from Alabama's great potential for attracting large attendance to the facility destined to become the "new" Indianapolis of Motorsports; and

WHEREAS, it is to be further noted and appreciated that Mr. France constructed the 2.66 mile Alabama International Motor Speedway at an estimated cost of \$7 million, and although many other states and municipalities offered staggering incentives in financial aid to sports promoters, the Talladega Speedway was constructed at no cost whatsoever to the taxpayers of Alabama; and

WHEREAS, with deep faith in Alabama and firmly committed to furthering its growth and prosperity, Bill France determinedly and enthusiastically carries the word of our State wherever he goes, truly a good will ambassador for all Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in heartfelt appreciation and praise, we express our highest regard

for Mr. William H. G. France; we extend to him a cordial invitation to address the Alabama House and Senate at his earliest convenience and hopefully anticipate his acceptance.

BE IT FURTHER RESOLVED, That Mr. France be presented with a copy of this resolution in token of gratitude and in commendation of his incomparable contributions to American Motorsports.

Approved April 17, 1980

Time: 4:30 P.M.

Act No. 80-223 H.J.R. 189—Whatley, Smith (C), Adams (H),
Letson, Edwards, Warren

HOUSE JOINT RESOLUTION

DECLARING THE WEEK OF JUNE 1-7, 1980, "ALABAMA POULTRY WEEK."

WHEREAS, the poultry industry is Alabama's largest farm industry, totaling nearly \$600 million annually and accounting for over 34 percent of the total agricultural income in Alabama; and

WHEREAS, Alabama ranks third in the nation in the production of broilers and fifth in eggs; and

WHEREAS, the poultry industry provides jobs for 60 thousand Alabamians; and

WHEREAS, Wayne McElrath, Albertville, Alabama, has served as president of the Alabama Poultry and Egg Association with dedication, honor, and utmost ethical standards; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the week of June 1-7 is hereby declared to be "ALABAMA POULTRY WEEK."

BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to the Alabama Poultry and Egg Association, Cullman, Alabama.

Approved April 17, 1980

Time: 4:30 P.M.

Act No. 80-224 H.J.R. 190—Whatley, Carothers, Shoemaker,
Johnson (R.G.), Edwards, Ward,
Warren, Smith (C), McKee

HOUSE JOINT RESOLUTION

CONGRATULATING DR. HANLY FUNDERBUNK ON
HIS SELECTION AS PRESIDENT OF AUBURN
UNIVERSITY.

WHEREAS, The Legislature of Alabama is extremely pleased to note the selection of Dr. Hanly Funderburk as president of Auburn University to succeed Dr. Harry Philpott; and

WHEREAS, Dr. Funderbunk is impressively prepared to assume the momentous duties of such presidency, as he brings with him more than a decade of experience as Chancellor of Auburn University in Montgomery; and

WHEREAS, further, in support of his selection by the Auburn Board of Trustees, we pledge to Dr. Funderburk full cooperation and encouragement during his tenure as president of Auburn University; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate Dr. Hanly Funderburk and direct that he receive a copy of this resolution, a declaration of our praise and high regard.

Approved April 17, 1980

Time: 4:30 P.M.

Act No. 80-225

H.J.R. 191—Amari

HOUSE JOINT RESOLUTION

COMMENDING D. WAYNE GOODE, DEDICATED CIVIC
SERVANT.

WHEREAS, D. Wayne Goode worked arduously for many years as Chairman of Birmingham Downtown Sertoma Club's Camp Sertoma, giving freely of his resources and time for the benefit of numerous handicapped children, and

WHEREAS, in addition to the tremendous duties and responsibilities associated with the camp and his employment as Vice-President and Personnel Director for Loveman's of Alabama,

he also has been extremely active as a United Way Campaign Chairman for eight years and an officer and board member of the Birmingham Downtown Sertoma Club; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we commend most highly D. Wayne Goode, prominent Birmingham Civic Leader, for his many accomplishments and contributions to handicapped children and to the community,

BE IT FURTHER RESOLVED, that D. Wayne Goode be presented with a copy of this resolution as a token of our appreciation and esteem.

Approved April 17, 1980

Time: 4:30 P.M.

Act No. 80-226

H. 97—Turnham

AN ACT

To provide that full-time employees and executive officers of the Alabama Council for School Administration and Supervision may elect to become members of the Teacher's Retirement System of Alabama; also to provide that said Council and its employees shall assume all costs, both contributory and administrative; and no cost shall devolve upon the state.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of the Alabama Council for School Administration and Supervision may, by resolution legally adopted to conform to the rules prescribed by the Board of Control of the Teacher's Retirement System, elect to have its executive officers and employees, from whatever source and in whatever manner paid, become eligible to participate in the Teacher's Retirement System of Alabama, subject to all rules, regulations and conditions thereof.

Section 2. The governing body of the Alabama Council for School Administration and Supervision having made an election through a resolution as provided in Section 1 hereof, its employees and executive officers may participate in and be entitled to all benefits of the Teacher's Retirement System of Alabama, provided that where contributions are made from salaries paid by the Alabama Council for School Administration and Supervision, the Council for School Administration and Supervision shall pay the employer costs, calculated as a percentage of the salaries of those employees, to be contributed as employer in accordance with Code of Alabama 1975, Section 16-25-21. Such amounts shall be paid

monthly and at the same time as the members contributions are made to the Teacher's Retirement System.

Section 3. The governing body of the Alabama Council for School Administration and Supervision may provide in its resolution to the Teacher's Retirement System's Board of Control that all service rendered, by an eligible employee or executive officer, to said Council, previous to the effective date of said Council's election to come under the Teacher's Retirement System shall be creditable service to such employee or executive officer provided that any such provision shall apply only to those employees and officers who were in the active service of the Council on the effective date of said Council's election to be covered under the Teacher's Retirement System; and provided further that the said resolution also states that the Alabama Council for School Administration and Supervision shall assume and pay, as required, all costs necessary to fund the crediting of such previous service, such costs to be determined by the Actuary employed by the Teacher's Retirement System's Board of Control.

All benefits that accrue and are payable to any beneficiary hereunder shall be limited to and shall not exceed the amount paid in by the beneficiary and the employer plus his portion of the interest earned and the enhancement of his monies by investing them, less the cost of administration, at no cost to the State of Alabama.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved April 17, 1980

Time: 4:30 P.M.

Act No. 80-227

H. 258—Turner

AN ACT

Relating to Washington County; to increase the raccoon limit during hunting season from two to five raccoons per day.

Be It Enacted by the Legislature of Alabama:

Section 1. Any rule or regulation promulgated by the Department of Conservation and Natural Resources notwithstanding, in Washington County any person taking, catching, killing or attempting to take, catch or kill any raccoons during the legal hunting season, shall hereinafter be allowed to take, catch or kill not more than five raccoons per day.

Section 2. All laws or parts of laws which conflict with this

Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 17, 1980

Time: 4:30 P.M.

Act No. 80-228

H. 583—Holley, Ray

AN ACT

Relating to the Twelfth Judicial Circuit, to change the present jury strike system to a one strike system in trials by jury for misdemeanors or felonies not punished by capitally or upon appeals to the circuit courts from lower courts.

Be It Enacted by the Legislature of Alabama:

Section 1. Upon the trial by jury in the Circuit Courts of the Twelfth Judicial Circuit of any person indicted for a misdemeanor, or a felony not punished capitally, or upon appeals to the circuit courts from lower courts, the court shall require two lists of all the regular jurors empaneled for the week who are competent to try the defendant to be made, and the District Attorney shall be required first to strike from the list the name of one juror, and the defendant shall strike one, and they shall continue to strike off names alternately until only twelve jurors remain on the list, and these twelve jurors thus selected shall be the jury charged with the trial of the case.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 17, 1980

Time: 4:30 P.M.

Act No. 80-229

H. 677—Turner

AN ACT

Relating to Washington County; providing that anyone convicted of assaulting school teachers shall be guilty of a misdemeanor and be punished by a minimum fine.

Be It Enacted by the Legislature of Alabama:

Section 1. In Washington County, it shall be unlawful for anyone to physically assault a school teacher. Anyone convicted of such an assault shall be guilty of a Class A misdemeanor and be sentenced to pay a fine of not less than \$300.00.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 17, 1980

Time: 4:30 P.M.

Act No. 80-230

H. 694—Cheatwood

AN ACT

To provide for supplemental compensation of the members and the clerk of the jury commission of Blount County to be paid out of the county treasury; and to provide that this Act shall be retroactive to July 1, 1979.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to any compensation provided by the state, each member and the clerk of the jury commission in Blount County shall receive a supplemental salary in the amount of \$20 per day for each day spent in the discharge of his duties up to a maximum of 120 days per year to be paid out of the county treasury upon the warrant of the probate judge of the county upon satisfactory evidence to him that such service has been rendered. That part of the compensation of the members and the clerk of the jury commission not paid by the state shall be paid from the general fund of the county.

Section 2. Act No. 335, H. 612, Regular Session 1961 (Acts of Alabama, p. 360), is hereby repealed. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. The provisions of this Act shall be retroactive to July 1, 1979.

Approved April 17, 1980

Time: 4:30 P.M.

Act No. 80-231

H. 707—Harvey

AN ACT

To provide further for the salary of each Blount County commissioner and the chairman of said commission; to provide the payment therefor from the general fund of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. At the expiration of the terms of office of the Blount county commissioners, in addition to any expense allowance now provided by law, each member of the Blount County commission shall receive a total salary of \$15,500 per annum and the chairman, for his duties as chairman of the commission, shall receive \$5,300.00 per annum; such sums shall be payable on warrants drawn on the general fund of the county treasury in the same manner as such salaries have heretofore been paid. Such salary shall be in lieu of any other salary for their duties as commissioners now provided by law, but it shall not include any expense allowances.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 17, 1980

Time: 4:30 P.M.

Act No. 80-232

H. 708—Harvey

AN ACT

Relating to Blount County; providing that the probate judge shall appoint one or more regular clerks in the probate office as deputy registrars empowered to take applications for voter registration at any time the probate office is open for or in the process of transacting business.

Be It Enacted by the Legislature of Alabama:

Section 1. The probate judge of Blount County shall appoint one or more regular clerks in the probate office as deputy registrars empowered to take applications, testimony and oaths of applicants for voting registration at any time the probate office is open to the public for business. Such application shall then be submitted to the board of registrars at their next meeting and the

board shall notify the applicants in writing of their action on said application.

Section 2. The board of registrars is hereby authorized and empowered to promulgate such rules and regulations necessary to carry out the provisions of this Act.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 17, 1980

Time: 4:30 P.M.

Act No. 80-233

H. 710—Campbell

AN ACT

Relating to Calhoun County; to amend Section 6 of Act No. 592, S. 456, Regular Session 1953, an act providing a civil service system for the City of Anniston (Acts 1953, Vol. II, p. 838), in relation to the expense allowance of members of the civil service board.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 6 of Act No. 592, S. 456, Regular Session 1953, an act providing a civil service system for the City of Anniston (Acts 1953, Vol. II, p. 838) is amended to read as follows:

Section 6. The members of the board of the civil service commission of any city which has a civil service commission in any county having a population of not less than 95,000 nor more than 115,000 according to the last or any subsequent federal decennial census shall receive an expense allowance as follows: the chairman shall receive \$125.00 per month, and the other members shall receive \$75.00 per month. Said expense allowance shall be paid from funds of the city on order of the board in the same manner as other city salaries and expenses and shall be in lieu of all other compensation and expenses provided members of the board by general, special or local law. The board shall have power to appoint clerical assistance and engage legal counsel of its own choice.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 17, 1980

Time: 4:30 P.M.

Act No. 80-234

H. 788—Roberts, Patton, Cooley, Letson

AN ACT

To authorize the Morgan County Commission to establish and maintain a contingent fund to be used for such purposes as the county commission deems appropriate; to prescribe the maximum amount that may be appropriated for such fund in the fiscal year ending September 30, 1980 and in subsequent fiscal years, and to provide for retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. The Morgan County Commission is hereby authorized to appropriate at its discretion from the county general fund an amount not exceeding \$25,000.00 for the fiscal year ending September 30, 1980, for a contingent fund to be used for such purposes as the commission may deem appropriate, and thereafter to appropriate annually from the county general fund an amount not exceeding \$15,000.00 to said contingent fund to be used for such purposes as the commission may deem appropriate.

Any funds appropriated for a fiscal year which remain unexpended at the end of such fiscal year shall revert to the county general fund.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall have retroactive effect to February 1, 1980.

Approved April 17, 1980

Time: 4:30 P.M.

Act No. 80-235

H. 794—Riddick

AN ACT

To amend Act No. 796, H. 1033, Regular Session 1971 (Acts 1971, p. 1530), as amended by Act No. 45 of the 1971 Second Special Session (Acts 1971, p. 4182), and by Act No. 1162 of the 1975 Regular Session (Acts 1975, p. 2286), entitled, "An Act Relating to municipalities having a population of not less than 70,000 nor more than 300,000 according to the 1970 or any subsequent federal decennial census; providing for the election by popular vote of members of the city board of education, to prescribe their terms, qualifications and compensation, and to abolish existing boards of education in such cities," so as to provide that the governing body of the city may by ordinance set the time of the election and any run-off election required at the same time as any regular municipal election held in said city, or at the time provided by Article 2, Chapter 46 of Title 11, Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. Subsection (d) of Section 1 of Act No. 796, H. 1033, Regular Session 1971 (Acts 1971, p. 1530), is hereby amended to read as follows:

"(d) Members of the boards of education covered by this Act shall be elected on the 1st Tuesday next after Labor Day in the year 1972. The terms of the members of said board of education in Place No. 1 and Place No. 2 first elected under the provisions of this Act shall be two years. The terms of three members of said board first elected to Place No. 3, Place No. 4, and Place No. 5, shall be four years. The successors of the members elected to Place No. 1 and Place No. 2 shall be elected on the first Tuesday next after Labor Day in the year 1974. The successors of the members of the board elected to Place No. 3, Place No. 4 and Place No. 5 shall be elected on the first Tuesday next after Labor Day in the year 1976. Thereafter, the terms of all members elected to said board shall be four years. Provided, however, that the governing body of the city may by ordinance set the time of election and any run-off election required at the same time as any regular municipal election held in said city, or at the time provided by Article 2, Chapter 46 of Title 11, Code of Alabama 1975. Any candidate who receives a majority of all votes cast for all candidates seeking election to the position for which he is a candidate shall be declared elected to that position. In the event no candidate receives a majority of all of the votes cast for any one or more positions on the board of education, the governing body of the city shall order a second or run-off election to be held on the last Tuesday in September following, or at such other time as herein provided, at which election the two candidates receiving the most votes for the office in the first election shall be candidates, and the person receiving the highest number of votes in the second or run-off election shall be declared elected. In the event of a tie vote between the candidates in such run-off election, the then serving

governing body of the city shall immediately decide the election by majority vote."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 18, 1980

Time: 10:00 A.M.

Act No. 80-236

H. 806—Turner

AN ACT

Relating to Washington County; to provide that a person will be subject to arrest and prosecution for theft if he picks up a dog wearing a collar and tag which identifies the owner and the person fails to return the dog or notify the owner of his possession of the dog.

Be It Enacted by the Legislature of Alabama:

Section 1. Any person who picks up a dog wearing a collar and name plate bearing the name and address of the owner of the dog must make contact with the owner and deliver the dog to the owner, or return the dog to the place where the dog was picked up. If the person fails to carry out the provisions of this section, he shall be subject to arrest and prosecution for the crime of theft as provided for in chapter 8 of title 13A of the Code of Alabama 1975.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 17, 1980

Time: 4:30 P.M.

Act No. 80-237

H. 273—Johnson (Roy), Holley

AN ACT

To provide that the presiding judge in a divorce case involving custody of children, may award at his discretion visitation rights to the grandparents of such children.

Be It Enacted by the Legislature of Alabama:

Section 1. The presiding judge in a divorce case involving custody of children, may award at his discretion visitation rights to the grandparents of such children.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 17, 1980

Time: 4:30 P.M.

Act No. 80-238

S.J.R. 29—Glass, Robertson, and Holmes

SENATE JOINT RESOLUTION

CREATING A SELECT JOINT COMMITTEE TO STUDY AND REVIEW ALL REGULATIONS, POLICIES AND PROCEDURES OF ALL WELFARE, MEDICAID AND SOCIAL PROGRAMS, FUNDED OR ADMINISTERED BY THE STATE OF ALABAMA, FOR THE PURPOSE OF RECONSTRUCTING SAME TO ELIMINATE ABLE-BODIED, AND THEREFORE INELIGIBLE, RECIPIENTS OF PUBLIC FUNDS.

WHEREAS, the funding for Alabama's various welfare and social programs, as well as Medicaid, continue to take a larger and larger portion of the funds in our state treasury; and

WHEREAS, the costs of such programs have continued to rise at such an alarming rate that the working men and women in Alabama can hardly support their own families, much less those people who can work but refuse to do so; and

WHEREAS, with welfare fraud and Medicaid abuse running rampant nationwide, the State of Alabama has no reason to expect that such abuse does not exist in our own state; and

WHEREAS, it is the intent of the Alabama Legislature that

the hard-pressed taxpaying citizens of Alabama no longer be expected to foot the bill for able-bodied individuals who exert themselves only once a month to endorse and cash a check or receive their benefits provided by the responsible hard-working taxpayers of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint select committee to be composed of three members of the House and three members of the Senate to be appointed by the presiding officer of each respective house. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The committee shall thoroughly study and investigate the programs, policies, regulations and procedures of all welfare, Medicaid and social programs, funded or administered by the State of Alabama, for the purpose of reconstructing same in order to both eliminate those able-bodied individuals who are ineligible for benefits and to reduce payments in those cases in which overpayment can be shown.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the Legislature not later than the 15th Legislative Day of the 1981 Regular Session, whereupon the committee shall be dissolved. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman. Total expenditures of the committee shall not exceed \$7,000.00

Approved April 17, 1980

Time: 4:30 P.M.

Act No. 80-239

S.J.R. 96—Holmes

SENATE JOINT RESOLUTION

CONGRATULATING TALLADEGA COUNTY HIGH SCHOOL, STATE 2A BASKETBALL CHAMPIONS.

WHEREAS, culminating an outstanding season, the

Talladega County High School Golden Bears polished off unbeaten Springville High to capture the State 2A Basketball Championship; and

WHEREAS, cheered to a winning season and to the Crown by band, cheerleaders, fellow students and fans, the Bears finished 24-7, overall, in regular and post season play; and

WHEREAS, following the road to victory, under the talented director of Head Coach Ricky Rutledge and Assistant Coaches James Player and Darrell Johnston, were Golden Bears: Reginald Truss, who was named to the State All-Tournament Team; State Tournament MVP Greg Vincent, also All-Tournament; Walter Embry, another selection for the State All-Tournament Team; and Paul Embry, Stanley Johnson, Ricky Cochran, Chris Hayes, Aundrea Lane, Elijah Wilson, Kenneth Johnson, Clearance Turner and Darryl Cunningham who, each and every one, contributed greatly to their team's 2A Championship; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate and commend the Talladega County High School Golden Bears, State 2A Basketball Champions.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Principal Royce C. Cox for appropriate school display with copies also to Coach Rutledge and his assistants and to each of their Champion Golden Bears.

Approved April 17, 1980

Time: 4:30 P.M.

Act No. 80-240

S.J.R. 114—Miller, Bailey and Weeks

SENATE JOINT RESOLUTION

CONGRATULATING AND COMMENDING MISS ANNETTA LEAH SPARKS, NATIONAL PEANUT FESTIVAL QUEEN.

WHEREAS, it is with great pride and pleasure that the Alabama Legislature congratulates Miss Annetta Leah Sparks reigning National Peanut Festival Queen; and

WHEREAS, Miss Sparks attends Enterprise High School, where she is a member of the Drama Club, International Thespian Society and the Enterprise Music Club; and

WHEREAS, the lovely daughter of Mr. and Mrs. Billy Sparks of Enterprise, she is to be most highly commended for the manner in which she has so graciously and capably represented the peanut

industry and our State since her selection this past October as Festival Queen; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Miss Annetta Leah Sparks as National Peanut Festival Queen and voice our deep appreciation for the fame and honor she has brought to the State of Alabama as our ambassador throughout the United States.

BE IT FURTHER RESOLVED, That both she and her justifiably proud parents receive copies of this resolution that they may know of our appreciation, high praise and esteem.

Approved April 17, 1980

Time: 4:30 P.M.

Act No. 80-241

S.J.R. 115—Miller, Bailey and Weeks

SENATE JOINT RESOLUTION

CONGRATULATING AND COMMENDING MISS KENDALL HOPE SWANN, NATIONAL "LITTLE MISS PEANUT."

WHEREAS, the Alabama Legislature is pleased to note the selection of Kendall Hope Swann of Columbia, Alabama, as our National "Little Miss Peanut" whose reign began this past October following festival finals; and

WHEREAS, little Kendall Hope Swann is the daughter of Mr. and Mrs. Robert L. Swann, III, and is a seven-year old second grade student at Houston County High School in Columbia; and

WHEREAS, Kendall Hope was "Litte Miss Columbia" which made her eligible for the National Peanut Festival where she won her national title, "Little Miss Peanut"; and

WHEREAS, Kendall Hope is a charming and talented young lady who indeed has many outstanding accomplishments to her credit for one so young; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Miss Kendall Hope Swann of Columbia, Alabama, as our national "Little Miss Peanut"; we wish her every future success and direct that she and her parents receive copies of this resolution as evidence of our warm praise and congratulations.

Approved April 17, 1980

Time: 4:30 P.M.

Act No. 80-242

S.J.R. 116—Miller, Bailey and Weeks

SENATE JOINT RESOLUTION

CONGRATULATING MRS. BOWDEN SESSIONS,
NATIONAL PEANUT FESTIVAL RECIPE CONTEST
WINNER.

WHEREAS, the Alabama Legislature extends sincere congratulations to Mrs. Bowden Sessions of Fairview, Alabama, as winner of the National Peanut Festival Recipe Contest; and

WHEREAS, the Recipe Contest is one of the highlights of the National Peanut Festival which is held annually in Dothan, Alabama; and

WHEREAS, it is indeed a high honor to submit the winning recipe in competition with so many other delicious recipes, featuring peanuts, submitted by numerous homemakers, and even gourmet cooks from many areas of the United States; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Mrs. Bowden Sessions of Fairview, Alabama, and direct that she receive a copy of this resolution in token of our high praise and warm regard.

Approved April 17, 1980

Time: 4:30 P.M.

Act No. 80-243

H. 663—Riddick

AN ACT

Relating to Class 3 municipalities; providing that any municipality having a mayor-council form of government and having a general municipal election or runoff election required by general or local act at times different from the dates now or hereafter provided by Article 2, Chapter 46 of Title 11, Code of Alabama 1975, may elect by ordinance to have said elections held at the time or times required by said Article 2.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of any Class 3 municipality having a mayor-council form of government and having a general municipal election or runoff election required by general or local act at a time different from the dates now or hereafter provided by Article 2, Chapter 46 of Title 11, Code of Alabama 1975, may elect

by ordinance to have such election at the same time as required by said Article 2; provided, that any such election made by ordinance shall not have the effect of changing the beginning of any term of office or the time for taking office.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 18, 1980

Time: 10:45 A.M.

Act No. 80-244

H. 680—Warren, McCorquodale

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Monroeville, in Monroe County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Monroeville in Monroe County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to-wit:

Beginning at a point on the South line of Section 34, T7N-R7E, where it intersects the West rights-of-way of Highway No. 47, thence West to the SW corner of SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 34, T7N-R7E, thence North 3960 feet more or less to the NW corner SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 34, T7N-R7E, thence West 2640 feet more or less to the SW corner of NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 33, T7N-R7E. Thence North 3960 feet more or less to the NW corner of NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 28, T7N-R7E, thence East 6600 feet more or less to the NE corner of NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 27, T7N-R7E, thence South to the North rights-of-way of Highway No. 47. Thence South westerly along said R.O.W. to the point of beginning, containing 950 acres more or less.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 18, 1980

Time: 3:45 P.M.

Act No. 80-245

S.J.R. 109—McDonald

SENATE JOINT RESOLUTION

Changing the name of Old Jim Williams Road in Madison County to Jim Williams Road.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the road in Madison County known as the Old Jim Williams Road is hereby designated and named the Jim Williams Road.

BE IT FURTHER RESOLVED That the City of Huntsville and the Madison County Commission are hereby requested to place appropriate markers thereon.

Approved April 22, 1980

Time: 4:30 P.M.

Act No. 80-246

S.J.R. 128—Little, Bailey, Barron, Britnell,
Callahan, Clemon, Cook,
deGraffenried, Denton, Figures,
Glass, Goodwin, Gullledge, Hall,
Harrison, Higginbotham,
Holmes, Keener, Kirkland,
Lemaster, McDonald, Martin,
Miller, Mitchem, Parsons,
Pearson, Proctor, Robertson,
Smith, St. John, Taylor,
Teague, Vacca, Weeks
and White

SENATE JOINT RESOLUTION

COMMENDING DEAN KATHARINE C. CATER FOR LOYALTY AND DEVOTION TO AUBURN UNIVERSITY.

WHEREAS, Dean Katharine Cooper Cater served for many years as Dean of Women at Auburn University and continues to serve as Dean of Social Life, and

WHEREAS, this outstanding lady has counseled and advised thousands of Auburn students since arriving at Auburn in 1946, and

WHEREAS, this native of Macon, Georgia, has greatly enriched the state of Alabama with her infectious personality and generous dedication to others, and

WHEREAS, Dean Cater has served as national president of Alpha Lambda Delta and was given the Algernon Sydney Sullivan Award in 1975 for "her efforts to make Auburn a better place in which to live and study," and

WHEREAS, the AU Board of Trustees voted unanimously at its meeting on March 17, 1980, to name the Social Center at AU for Dean Cater, now therefore

BE IT RESOLVED that the Legislature of Alabama, both houses thereof concurring, congratulate Miss Cater for her loyalty and devotion to Auburn University and its students and reaffirm the Board's decision to name this building the Katharine C. Cater Hall.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Dean Cater so that she might know of our high regard for her service to the people of Alabama.

Approved April 22, 1980

Time: 4:30 P.M.

Act No. 80-247

S. 487—Holmes

AN ACT

Relating to Calhoun County; requiring a rotation system for wreckers, except as otherwise provided by municipal ordinance; prohibiting speeding, reckless driving, on-the-scene solicitation by wrecker drivers; prohibiting wreckers from going to the scene of a wreck unless called; prohibiting troopers or any other law enforcement officer in the county from displaying favoritism in calling wreckers; and establishing penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. In Calhoun County, all motor vehicle wreckers shall be placed upon a rotation system to be devised by the Alabama

State Department of Public Safety to be used in calling wreckers to the scene of motor vehicle wrecks or where a motor vehicle is disabled. Provided, however, that the provisions of this act shall not be applicable to any municipality which has an ordinance or which enacts an ordinance contrary to the provisions herein.

Section 2. A request system shall be used in cases where the owner or operator of the motor vehicle expresses a preference for a particular wrecker, but in cases where no preference is expressed or where the owner/operator is unconscious or otherwise unable to communicate, the trooper or other law enforcement officer shall call the wrecker at the top of the rotation list.

Section 3. Wreckers shall not go to the scene of a wreck unsolicited; nor while en route to a wreck, shall they speed or drive recklessly. They shall not jam up the scene of a wreck, nor shall they solicit wreck victims on the scene.

Section 4. There shall be a time limit set for how long a rotation wrecker may take in getting to the scene of a wreck. Any wrecker company which is consistently tardy in reporting to the wreck scene when summoned shall be removed from the rotation list.

Section 5. State troopers or other law enforcement officers are forbidden to show any favoritism whatsoever in calling wreckers.

Section 6. Wreckers on the rotation list must meet the criteria set by the Alabama State Department of Public Safety.

Section 7. Any person who violates any provision of this act or any rule or regulation of the Alabama State Department of Public Safety promulgated hereunder shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as prescribed by law.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this act are hereby repealed.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 22, 1980

Time: 4:30 P.M.

Act No. 80-248

H.J.R. 192—Hines

HOUSE JOINT RESOLUTION

RENAMING THE BOARD OF CORRECTIONS MANAGEMENT AND PERFORMANCE EVALUATION COMMITTEE THE JOINT PRISON COMMITTEE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Board of Corrections Management and Performance Evaluation Committee created by Act 84, HJR 126, 1976 Regular Session (Acts 1976, p. 84) and supplemented by Act 79-52, SJR 19, 1979 Regular Session (Acts of 1979, p. 70) shall henceforth be known as the Joint Prison Committee.

Approved April 22, 1980

Time: 4:30 P.M.

Act No. 80-249

H.J.R. 193—Riddick

HOUSE JOINT RESOLUTION

CONGRATULATING MISS LAURA ANN RICE, ALABAMA'S 1980 "MAID OF COTTON."

WHEREAS, Laura Ann Rice, 21-year-old senior at Auburn University, has been chosen Alabama Maid of Cotton; and

WHEREAS, Laura is an "A" student, majoring in voice and music, and has been a member of the Auburn Concert Choir, the Auburn University Singers and the Delta Omicron music sorority; and

WHEREAS, Laura is active in church and the Fellowship of Christian Athletes and a good example of and for the youth of our state; and

WHEREAS, Laura will be traveling across the state and nation promoting the cotton industry in Alabama, and will represent our state in the national Maid of Cotton pageant to be held in December; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we offer our congratulations and best wishes to Laura Ann Rice of Huntsville, Alabama, and our sincere hope that she brings the national Maid of Cotton crown home to Alabama.

BE IT FURTHER RESOLVED, That Miss Rice receive a copy of this resolution that she may know of our great pride and pleasure in her selection as Alabama Maid of Cotton.

Approved April 22, 1980

Time: 4:30 P.M.

Act No. 80-250

H.J.R. 187—Cates

HOUSE JOINT RESOLUTION

CREATING A SELECT JOINT INTERIM COMMITTEE FOR THE PURPOSE OF INVESTIGATING THE MANAGEMENT OF ALL STATE FUNDS.

WHEREAS, there are numerous and various funds of the multiple state agencies, departments and boards which receive state appropriations to be handled and invested in many diverse manners; and

WHEREAS, the complexity of such disposition of state funds needs to be thoroughly investigated and studied for the purpose of assessing existing procedures and making recommendations as to the management of such vast amounts of money; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to be composed of three members of the House and three members of the Senate to be appointed by the presiding officer of each house. The members of the committee shall elect from among their membership a chairman and vice chairman. The committee shall make an in-depth investigation and study of the management of all public funds involving any state monies whatsoever.

The committee shall have subpoena power and the power to punish for contempt of a committee of the Legislature.

Upon request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work.

The committee shall report its findings, conclusions and recommendations to the Legislature not later than the fifth legislative day of the 1982 Regular Session, whereupon the committee shall be dissolved. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and

travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman. Expenditures of this Committee are limited to \$10,000 per year.

Approved April 22, 1980

Time: 4:30 P.M.

Act No. 80-251

H.J.R. 197—Mitchell

HOUSE JOINT RESOLUTION

URGING THE ATTORNEY GENERAL AND ALL DISTRICT ATTORNEYS IN ALABAMA TO ENFORCE SECTION 13A-11-12 OF THE CODE OF ALABAMA 1975, AS AMENDED, WITH REGARD TO DESTRUCTION OR DEFACEMENT OF A TOMBSTONE OR OTHER MONUMENT OF THE DEAD.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby call to the attention of the Attorney General and all District Attorneys of Alabama that destruction or defacement of a tombstone or other monument of the dead is in violation of Section 13A-11-12 of the Code of Alabama 1975, as amended.

BE IT FURTHER RESOLVED, That we respectfully urge the Attorney General and all District Attorneys in Alabama to prosecute to the fullest all individuals charged with such violations which are punishable in Alabama as a Class A Misdemeanor.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Attorney General of Alabama, with a copy also to each District Attorney in this State, that they may at once take steps to comply with this request.

Approved April 22, 1980

Time: 4:30 P.M.

Act No. 80-252

H.J.R. 198—Parker, Adams (C), Adams (H),
Albright, Amari, Barton,
Bedsole, Bennett, Biddle, Blake,
Boles, Bowling, Brakefield,

Buskey, Cabaniss, Campbell,
 Carothers, Carter, Cates,
 Cheatwood, Clark (G),
 Clark (W), Cobb, Coburn,
 Cooley, Cosby, Crow, Daniels,
 Dial, Dixon, Drinkard,
 Edwards, Ford, Gafford,
 Gilmer, Goodwin, Greer, Gregg,
 Grimsley, Grouby, Hall,
 Hammett, Harper (O),
 Harper (T), Harrison, Harvey,
 Hilliard, Hines, Holley, Holmes,
 Horn, Howard, Jackson,
 Johnson (R.G.), Johnson (Roy),
 Kelley, Kennedy, Laird,
 Langford, Letson, Lewis,
 McCorquodale, McKee,
 McMillan, Manley, Minus,
 Mitchell, Moore, Naramore,
 Nevett, Olive, Owens, Patton,
 Payne, Pegues, Penry, Rains,
 Ray, Reed, Riddick, Roberts,
 Sandusky, Sasser, Seibels,
 Shavers, Shoemaker, Smith (C),
 Smith (J), Smith (M), Starkey,
 Stewart, Stout, Trammell,
 Tucker, Turner, Turnham,
 Venable, Waggoner, Ward,
 Warren, Whatley, Williams,
 Willis, Wyatt, Zoghby

HOUSE JOINT RESOLUTION

MOURNING THE TRAGIC DEATH OF OFFICER JOHN WARD DOTSON OF CHICKASAW, ALABAMA.

WHEREAS, the Legislature of Alabama has been deeply shocked and saddened by the tragic death of Officer John Ward Dotson of Chickasaw, Alabama, on April 8, 1980, at the age of just 26 years; and

WHEREAS, Officer Dotson was shot and killed in the line of duty as a member of the Chickasaw Police Department, his young life tragically ended as well as his potentially outstanding career as an officer of the law who was described by his Chief and fellow officers as dedicated, courageous and thoroughly committed to the protection of life and property of his fellowman; and

WHEREAS, a former volunteer with the Chickasaw Auxiliary Police Force, John Ward Dotson was also a longtime member of the Chickasaw First Baptist Church; and

WHEREAS, Officer Dotson, who had lived in Chickasaw since his adoption at the age of seven, is survived by his wife, Alisa, who is shortly expecting their first child; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Officer John Ward Dotson of Chickasaw, Alabama, and express our deepest sympathy to all his family.

BE IT FURTHER RESOLVED, That in evidence of our shared sorrow, a copy of this resolution be sent to Mrs. Dotson and other family members, with a copy also provided for Officer Dotson's unborn child who will later know of our deep respect and regard for a courageous police officer and a loving husband and father.

Approved April 22, 1980

Time: 4:30 P.M.

Act No. 80-253

H. 793—Clark (W)

AN ACT

To provide that the City of Prichard shall be divided into five districts by the Probate Judge of Mobile County, and he shall certify the boundaries of the same to the Prichard City Council; and the members of the Prichard Council shall be elected by districts with one member being elected by each district and each council member shall be a resident of the district from which he is elected; and this Act shall be effective for the municipal election in 1980 and thereafter; and to provide for redistricting after each future federal census.

Be It Enacted by the Legislature of Alabama:

Section 1. The Probate Judge of Mobile County shall divide the City of Prichard into five districts which shall be homogeneous in area and nearly equal in population, with the number of persons residing in each district, according to the last federal census, not to vary by over five percent.

Section 2. The boundaries as established by the Probate Judge shall be certified to the Prichard City Council and shall be used by the Council for the election of the members of the City Council in the 1980 municipal election and for all council elections thereafter.

Section 3. The City Council of the City of Prichard shall consist of five council members with one member to be elected by the voters of each of the districts provided for herein. Each Council member shall be a resident of the district for which elected and shall have been a resident of said district for at least three months prior to said election and shall remain a resident of said district during the term to which elected.

Section 4. Should any district established in the City of Prichard for the election of council members be found by the Probate Judge, based on any future federal census, to vary by over five percent in population from any of the other districts, then the Probate Judge shall change, alter or rearrange the boundaries of said districts in such manner as to establish five districts which are homogeneous in area and have a population which does not vary by over five percent between said districts.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 22, 1980

Time: 4:30 P.M.

Act No. 80-254

H. 738—McCorquodale

AN ACT

Relating to Clarke County; to increase the expense allowance of members of the Board of Equalization.

Be It Enacted by the Legislature of Alabama:

Section 1. In Clarke County, the members of the Board of Equalization shall be entitled to an expense allowance of \$30.00 a day for each day's service as provided by law. Such expense allowance shall be payable in equal monthly payments and be in addition to any other compensation heretofore provided by law for such members.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 22, 1980

Time: 4:30 P.M.

Act No. 80-255

H. 742—Ray

AN ACT

Relating to Pike County; to provide further for the costs and charges in cases filed in any court in the county.

Be It Enacted by the Legislature of Alabama:

Section 1. In each civil and criminal case hereafter filed in any court in Pike County, there shall be taxed as cost the sum of two dollars (\$2.00). The costs taxed under this act shall be collected as other costs in such cases are collected, and when collected by the Clerks or other collecting officers of the courts (including the Clerk and Register of the Circuit Court) shall be remitted to the County Treasury and deposited and kept in a special fund to be known as the "Juvenile Court Fund" and to be expended in furtherance of the purposes of the Juvenile Court in said County. The County governing body is hereby authorized to make expenditures from said fund upon requisition of the chief juvenile probation officer of said county to carry out the purposes and provisions of this act.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declarations shall not affect the part that remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 23, 1980 without approval by the Governor.

Act No. 80-256

H. 761—Ray, Reed

AN ACT

Relating to Bullock County; to provide for a clerk for the tax collector, and to give this act retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. The tax collector of Bullock County may employ a clerk to discharge the duties he assigns to him and such clerk shall serve at the pleasure of the tax collector.

Section 2. Said clerk shall receive an annual salary, which will be set by the county commission, to be paid in equal monthly installments from the general fund of the county in the same manner as other county employees are paid.

Section 3. The provisions of this act shall have retroactive effect to October 1, 1979, and all actions taken and payments made pursuant thereto on and after that date are ratified and confirmed.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 22, 1980

Time: 4:30 P.M.

Act No. 80-257

H. 822—Smith (C)

AN ACT

Relating to the office of sheriff of Calhoun County; providing further for the appointment, number, duties and compensation of deputies; providing for the furnishing of quarters, equipment and clerical help; providing for an expense allowance for the sheriff; and repealing Act No. 955, S. 929, 1975 Regular Session (1975 Acts, p. 1991), and Act No. 717, H. 1033, 1978 Regular Session (1978 Acts, p. 1032) and other conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The sheriff of Chilton County may appoint a total of not less than nine deputies, including a chief deputy, an assistant chief deputy, two special investigators, and a sergeant, who shall serve at the pleasure of the sheriff and shall perform such duties as the sheriff may direct. Before entering upon their duties, all such deputies shall make bond payable to the sheriff in the sum of \$2,000.00, conditional as required by Code of Alabama 1975, Section 36-5-5.

Section 2. The salaries of all deputies shall be paid in equal monthly installments from the general fund of Chilton County, or may be paid in whole or in part from the county highway and traffic fund at the direction of said county governing body. The chief deputy shall receive, as a regular salary, not less than \$13,200.00 per year. The assistant chief deputy shall receive, as a regular salary, not less than \$12,180.00 per year. The two special investigators shall each receive, as a regular salary, not less than \$12,000.00 per year. The sergeant shall receive, as a regular salary, not less than \$11,880 per year. All regular deputies completing minimum standards requirements shall receive, as a regular salary, not less than \$11,220.00 per year. The salaries for the chief deputy sheriff, assistant chief deputy sheriff, special investigators, sergeant and regular deputies within the above designated schedule shall be determined by the sheriff of Chilton County upon the qualifications, experience, length of service, and abilities of said deputies. Such chief deputy, assistant chief deputy, special investigators, sergeant and regular deputies shall also receive any future percentage wages as are granted by the county commission to other county employees.

Section 3. The county governing body shall provide the sheriff with such quarters, equipment, supplies and clerical help as deemed necessary for the sheriff to efficiently and properly conduct the duties and affairs of his office. The clerical employees in the office of the sheriff of Chilton County shall be paid at the same pay rate as are other similar county-paid clerical employees.

Section 4. The sheriff shall receive, in addition to his present compensation, an expense allowance of \$2,400.00 per annum which shall be paid each month from the funds of Chilton County, Alabama. In the event the sheriff is required to use his personal automobile in the performance of his duties as sheriff of Chilton County, Alabama, he shall be compensated in the sum of not less than twenty cents per mile for each mile traveled in the performance of his duties.

Section 5. Any federal law which provides for overtime pay or other compensation for law enforcement officers will not be affected by this act, even though deputies may be drawing their maximum regular salaries as designated in Section 2 of this act.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed and Act No. 955, S. 929, 1975 Regular Session, (Acts 1975, p. 1991), and Act No. 717, H. 1033, 1978 Regular Session (Acts 1978, p. 1032), are hereby expressly repealed.

Section 7. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 22, 1980

Time: 4:30 P.M.

Act No. 80-258

H.J.R. 207—Pegues

HOUSE JOINT RESOLUTION

WHEREAS, there is in place in Alabama, a State Health Planning and Development mechanism charged with reviewing and approving the acquisition or development of health care facilities and health care services, and substantial capital expenditures which by necessity are reflected in potentially increased charges to the Medicaid Program and all other citizens of the State; and

WHEREAS, this Health Planning and Development mechanism through its Certificate of Need program is attempting to prohibit construction or operation of unnecessary or duplicative health care facilities and health care services; and

WHEREAS, the Legislature recognizes such efforts of Health Planning and Development mechanism to identify and to implement only those components of a health care delivery system deemed necessary to assure available, quality care as an integral part of the Legislature's own concern for the health of the State's citizens; and

WHEREAS, Health, Education and Welfare has recently issued three Certificates of Need contrary to the position taken by the State Health Planning and Development Agency; and

WHEREAS, the State Health Planning and Development Agency is requesting of Health, Education and Welfare a reconsideration.

NOW, THEREFORE BE IT RESOLVED, that the Legislature express its support of the State's Health Planning and Development mechanism and formally request that the Department of Health, Education and Welfare in its oversight

capacity be equally supportive of the State's internal efforts to guarantee all Alabama citizens quality health care services at the lowest possible cost.

Approved April 23, 1980

Time: 2:00 P.M.

Act No. 80-259

H. 241—Clark, Campbell

AN ACT

To permit individuals, partnerships, banks, corporations and other legal entities to charge the same rate of interest or finance charge to the same extent and under the same circumstances and conditions as any federal or state chartered or licensed lending institution having its principal place of business in Alabama, subject to the same penalties as such lending institutions for excessive interest or finance charges; to provide that this Act clarifies existing law and is therefore retroactive, provided, however, that there shall be no change of interest rates on secured loans in existence as of the date of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Individuals, partnerships, banks, corporations and other legal entities may on any loans or extensions of credit made by them charge or impose the same rate of interest or finance charge to the same extent and under the same circumstances and conditions as any federal or state chartered or licensed lending institution having its principal place of business in Alabama; provided however, that any individual or partnership charging or imposing interest or finance charge in excess of that permitted such lending institutions under other applicable law shall be subject to the same penalties prescribed in such other applicable law or laws for such excessive interest or finance charges.

Section 2. The purpose of this Act is to make clear existing law embodied in Act No. 79-103 of the 1979 Regular Session of the Alabama Legislature, and the provisions hereof shall have retroactive effect to May 14, 1979, when it became law, provided, however, that there shall be no change of interest rates on secured loans in existence as of the date of this Act. Any actions taken or contracts made in accordance with the provisions of this Act since said date are hereby ratified, validated and confirmed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon

its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 25, 1980

Time: 11:15 A.M.

Act No. 80-260

S. 530—Holmes

AN ACT

Relating to Cleburne County; providing further for hospital service for the indigent in the county; authorizing the expenditure of funds to doctors who will engage in the practice of medicine in the county as an inducement to same, and providing for its retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. In Cleburne County, the Cleburne County Hospital Board is hereby authorized to use any available monies from any sources, any facilities or means of the said association, and to enter into any agreements as deemed necessary by said board, for the purpose of providing any inducement to, or carrying out any agreements with, any physician willing to practice medicine in Cleburne County, and serve as a medical staff member of the Cleburne County Hospital. This agreement shall include but not be limited to the advancement of funds, the making of loans and the payment of supplemental salaries.

Section 2. The provisions of this Act shall be retroactive to January 1, 1977, and any and all expenditures made subsequent thereto are hereby expressly ratified and confirmed.

Approved April 29, 1980

Time: 3:30 P.M.

Act No. 80-261

S.J.R. 136—Barron

SENATE JOINT RESOLUTION

CONGRATULATING MR. AND MRS. HENRY VIRGIL DENNIS ON THEIR FORTIETH WEDDING ANNIVERSARY.

WHEREAS, the Legislature of Alabama is pleased to note the 40th wedding anniversary, on April 6, 1980, of Mr. and Mrs. H. V. Dennis of Montgomery, Alabama; and

WHEREAS, Geraldine Melba and Henry Virgil Dennis were married in Deatsville, Elmore County, Alabama, on April 6, 1940, and have since lived their lives as one; devoted to one another and faithful to their marriage vows, they have set an enviable example for others to follow; and

WHEREAS, though Mr. Dennis is retired, Mrs. Dennis is an employee of the State of Alabama and of the Department of Public Safety for some ten years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with their family and friends in congratulating this exemplary couple of Montgomery, Alabama, and wish them many more happy years together.

BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to Mr. and Mrs. H. V. Dennis that they may know of our congratulations and warm best wishes.

Approved April 29, 1980

Time: 3:30 P.M.

Act No. 80-262

S.J.R. 140—Parsons

SENATE JOINT RESOLUTION

REQUESTING THAT THE COMMISSIONER OF AGRICULTURE AND INDUSTRIES WITH THE APPROVAL OF THE STATE BOARD OF AGRICULTURE AND INDUSTRIES PROMULGATE RULES AND REGULATIONS REQUIRING RETAIL SELLERS OF GASOLINE THAT DISPENSE SUCH FUELS BY LITER, TO ALSO POST ON THEIR PUMPS THE PRICE OF SAID FUEL BY THE GALLON.

WHEREAS, the Commissioner of Agriculture and Industries, through the authority of the State Board of Agriculture and Industries has the duty and authority to regulate the sale of gasoline and other liquid motor vehicle fuels to include the regulation of proper measurement and standards of said fuels.

WHEREAS, the Commissioner of Agriculture and Industries has the added duty of enforcing the provisions of Section 8-17-152, Code of Alabama 1975, which requires the seller of gasoline or liquid motor vehicle fuels to conspicuously and plainly post on the pump the price of such product.

WHEREAS, a substantial number of retail sellers of gasoline or liquid motor vehicle fuels now dispense their product by liter instead of by gallon and the posting of the price only by liter can have a tendency to confuse or otherwise mislead the buying public as to the price of said fuel by a well known and understood standard of measurement.

WHEREAS, while the practice of the above retail seller of only posting the price by liter instead of by gallon does not, in itself, violate the Alabama law, this practice is not looked upon with favor by the Alabama Legislature.

WHEREAS, the Commissioner of Agriculture and Industries with the approval of the State Board of Agriculture and Industries has the power and duty to, by regulation, take steps to see that the public buying gasoline or other liquid motor fuels has full knowledge of the price they are paying by a standard with which they are familiar.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That the Commissioner of Agriculture and Industries with the approval of the State Board of Agriculture and Industries be requested to promulgate a rule or regulation requiring that retail sellers of gasoline or liquid motor fuels, which sell and dispense their product by liter, post the per gallon price of said fuel in a conspicuous place on the dispensing pump along with the liter price.

BE IT FURTHER RESOLVED That copies of this resolution be forwarded to the Commissioner of Agriculture and Industries and to each and every member of the State Board of Agriculture and Industries.

Approved April 29, 1980

Time: 3:30 P.M.

Act No. 80-263

S.J.R. 150—Martin, Barron, Harrison,
Bailey, Britnell, Callahan,
Clemon, Cook, deGraffenried,
Denton, Figures, Glass,
Goodwin, Gullede, Hall,
Higginbotham, Holmes, Keener,
Kirkland, Lemaster, Little,
McDonald, Miller, Mitchem,

Parsons, Pearson, Proctor,
Robertson, Smith, St. John,
Teague, Vacca, Weeks and
White

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF MRS. ANNIE DELAY TAYLOR.

WHEREAS, the Legislature of Alabama has grievously noted the death of Mrs. Annie DeLay Taylor at her home in Moultrie, Georgia, April 12, 1980, at the age of 86; and

WHEREAS, a native of Georgia, Mrs. Annie Taylor was the widow of the late Stoy Thurston Taylor and was the mother of Senator Cordy Taylor, Mrs. Elizabeth Mathews, Miss Juanita Taylor, Stoy T., Jr., Asberry Taylor and Wiley Taylor; and

WHEREAS, Mrs. Taylor was a member of the Tyson Memorial Methodist Church of Moultrie and she served both her community and her Lord through her membership in this church; and

WHEREAS, she greatly and favorably influenced the lives of all those whom she knew and loved, especially her children, who commendably reflect her teachings of priorities, the wisdom of her guidance, her ideals and her faith.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA BOTH HOUSES THEREOF CONCURRING, that we are deeply saddened by the death of Mrs. Annie DeLay Taylor and extend our most heartfelt sympathy to all members of her family.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to her son, Senator Cordy Taylor and other family members that they may know of our concern for them and may know, too, that we share the sorrow of their loss.

Approved April 29, 1980

Time: 3:30 P.M.

Act No. 80-264

S.J.R. 151—Goodwin

SENATE JOINT RESOLUTION

COMMENDING STATE ORATORICAL CHAMPION,
THOMAS BUNDENTHAL OF SELMA, ALABAMA.

WHEREAS, the Alabama Legislature is extremely pleased to note the first place ranking of young 16-year-old Thomas Bundenthal in the American Legion's 43rd Annual High School Oratorical Contest, held recently in Birmingham; and

WHEREAS, his speech entitled, "Our Constitution—Copper Sheathed and Rock Bottomed.", placed first in debate to distinguish Thomas as the first student from Selma Senior High School ever to win this prestigious statewide American Legion contest; and

WHEREAS, only a high school junior, Tom previously has won numerous other awards and honors in oratory, including first place in both Persuasive Speaking and Best All Around Speaker of all events in the February 1980 National Bicentennial Debate Tournament in Williamsburg, Virginia; sponsored by the *Reader's Digest* and the Thirteen Original States, this event featured the best speakers from 30 states, representing 54 high schools; and

WHEREAS, Thomas Bundenthal, who was elected and served as Tri Hi-Y's Honorary Mayor of Selma for one day this past January, also is a 1979 champion of the University of Kansas Debate Clinic, and is the '79 champion of Samford University's Debate Clinic as well; and

WHEREAS, consistently a champion, Tom is a winner of the Selma High School, Dallas County and Alabama Regional Oratorical contests; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate Thomas Bundenthal of Selma, Alabama, on his extraordinary achievement as a young champion orator.

BE IT FURTHER RESOLVED, That we extend best wishes for success in the upcoming American Legion regional contest in Atlanta and direct that Thomas receive a copy of this resolution in token of our praise and high regard.

Approved April 29, 1980

Time: 3:30 P.M.

Higginbotham, Holmes, Keener,
 Lemaster, Little, McDonald,
 Martin, Miller, Mitchem,
 Parsons, Pearson, Proctor,
 Robertson, Smith, St. John,
 Taylor, Teague, Vacca, Weeks
 and White

SENATE JOINT RESOLUTION

COMMENDING HAL BLOOM, JR., EXECUTIVE ASSISTANT TO SPEAKER JOE C. MCCORQUODALE.

WHEREAS, Mr. Hal Bloom, Jr., most ably serves as Executive Assistant to Speaker of the Alabama House of Representatives, The Honorable Joe C. McCorquodale, and has served in such responsible capacity since 1975; and

WHEREAS, a native of Tuscaloosa, he is a 1972 graduate of Livingston University where he was active in numerous organizations in various capacities of leadership; prior to his present position he served as Executive Vice President of the Demopolis Area Chamber of Commerce, beginning in 1972, at which time he was the youngest Chamber executive in the State of Alabama; and

WHEREAS, active in many of the civic, charitable and community affairs of the Demopolis area, Mr. Bloom has continued such interests and involvement since moving to Montgomery; he is a member of the Montgomery Rotary Club and is listed in Who's Who of the South and Southeast; and

WHEREAS, in his position with Speaker McCorquodale, Hal Bloom's arduous responsibilities have included planning of legislative programs, liaison with the Governor's office, preparation of speeches, reports, press releases and general press relations work as well as management of the office staff; and

WHEREAS, additionally, he has proved to be exceedingly helpful, on numerous occasions, to the members of the Alabama House of Representatives and the Alabama Senate as well; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most gratefully express our appreciation to our friend, Hal Bloom, Jr., for his notable contributions to the pressing affairs of the Legislature and for his outstanding service to the entire State of Alabama.

BE IT FURTHER RESOLVED, That Mr. Bloom be presented with a copy of this resolution which we tender in sincere praise and in evidence of our warm personal regard.

Approved April 29, 1980

Time: 3:30 P.M.

Act No. 80-266

S.J.R. 155—Weeks

SENATE JOINT RESOLUTION

NOTING THE OCCASION OF MR. C. S. GIBSON'S 90TH BIRTHDAY.

WHEREAS, the Legislature of Alabama notes that on May 5, 1980, Mr. Clarence Samuel Gibson of Troy, Pike County, Alabama, will celebrate his 90th birthday; and

WHEREAS, Mr. Gibson was born in 1890 at Spring Hill, Alabama, one of ten children of Richard Lafayette Gibson and Martheny Jane Flowers, and therefore a descendent of several families who were among the earliest settlers of Pike County; and

WHEREAS, Mr. Gibson has been a life-long resident of Pike County and a loyal citizen of Alabama, contributing to the common good through his work as a farmer and his active interest in community affairs and in the Methodist Church; and

WHEREAS, Mr. Gibson was married to Annie Clark (deceased) for twenty-five years, and for the last thirty-eight years has been the husband of Grace Sellers, and is the father or step-father of seven children, grandfather of sixteen, and great-grandfather of thirteen, and is a fervent advocate of the positive value of family ties; and

WHEREAS, Mr. Gibson has been blessed with physical vitality and has maintained an active and productive life up to the present, including caring for his own garden and cattle; and

WHEREAS, Mr. Gibson has witnessed during his lifetime an era of technological and social change unparalleled in the history of our nation and our world, and provides in his person and memory a bridge between past and present; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily congratulate Mr. C. S. Gibson, his wife Grace, and the members of his family, on his 90th birthday; we thank him for the

contribution he has made and is making to Alabama, and wish him many more years of health and happiness.

BE IT FURTHER RESOLVED, That Mr. Gibson receive a copy of this resolution that he may know of our congratulations, warm wishes and esteem.

Approved April 29, 1980

Time: 3:30 P.M.

Act No. 80-267

S.J.R. 164—Harrison

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF MR. JESSE EDWIN MORRIS OF WETUMPKA, PROMINENT ELMORE COUNTIAN.

WHEREAS, the Alabama Legislature has been deeply saddened by the death of Jesse Edwin Morris of Wetumpka on April 10, 1980, at the age of 77; and

WHEREAS, though a native of Talladega County, J. E. Morris, as he was widely known, was a resident of Wetumpka for some 45 years; he previously had been a teacher of vocational agriculture at Montgomery County High School in Ramer; and

WHEREAS, Mr. Morris served 38 years as County Agent, from 1934 to 1971, in Elmore County and was a past president of the Alabama Association of County Agricultural Agents; and

WHEREAS, a member of the First Baptist Church for 45 years, he served as deacon and in many other areas of church life, and was also a member of the Lions Club and of numerous other civic and community organizations; he played an instrumental role in the organization of the Elmore County Farmers Exchange in the early forties and was a longtime member of the Elmore County Farm Bureau having served many years in various offices and in leadership capacity; and

WHEREAS, a beloved member of his community and one who served with sacrifice for the good of Elmore County and its citizens, Mr. Morris is sorely missed by all those privileged to know him; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mr. J. E. Morris of Wetumpka;

we extend our heartfelt sympathy to his wife, Mrs. Annie Mae Morris, and to their son and two daughters, to whom copies of this resolution shall be sent as evidence of our shared grief in their great loss.

Approved April 29, 1980

Time: 3:30 P.M.

Act No. 80-268 H.J.R. 220—Kennedy, Buskey, Clark (W),
Harper (T), Sandusky, Parker,
Zoghby, Turner, Stewart,
Penry, Bedsole, McMillan

HOUSE JOINT RESOLUTION

COMMENDING MR. GEORGE D. JUZANG, MANAGER
OF THE MOBILE MUNICIPAL AUDITORIUM COMPLEX.

WHEREAS, the Alabama Legislature has noted with extreme pleasure the February 1980 promotion of Mr. George D. Juzang to the position of Manager of the Mobile Municipal Auditorium Complex; and

WHEREAS, as the first Black to assume this responsible and prestigious office, Mr. Juzang is eminently qualified through his long association in various capacities with the Complex since 1970, first employed as an assistant manager trainee; rising in responsibility to Assistant Manager, Grade I, he later, in 1972, was named Chief Assistant Manager in which capacity he served until he assumed the recent managerial directorship of the Complex; and

WHEREAS, Mr. Juzang is an early product of Mobile's St. Peter Claver School and a graduate of Most Pure Heart of Mary High School; his undergraduate studies at Spring Hill College toward a degree in Business Administration were interrupted by military service during which years he attended and graduated from Fort Benjamin Harrison's U.S. Army Finance School; and

WHEREAS, honorably discharged from the United States Army in 1969, Mr. Juzang attended the University of South Alabama, earning his B.S. Degree in 1972; and

WHEREAS, he also is a former assistant teacher with Project Head Start, former accounts reconciler with Bank of America, and is currently affiliated with numerous organizations including the International Association of Auditorium Managers, the Non-Partisan Voters League and the Urban League of Mobile County;

he is a coordinator for the Miss Black Alabama Pageant, and a selection of the Mobile Jaycees' Outstanding Young Men of 1977; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. George D. Juzang as Manager of the Mobile Municipal Auditorium Complex, a position of weighty responsibilities requiring the extraordinary ability and integrity of one whose performance has been rated of highest quality by the Mobile County Personnel Board.

BE IT FURTHER RESOLVED, That in praise of his selection, and as the first Black to be charged with managerial capacity in this model of municipal auditorium complexes, we congratulate Mr. Juzang and direct that he be presented with a copy of this resolution that he and his wife, Mrs. Margie Malone Juzang, and their young son, George, Jr., may know of our warm praise and high regard.

Approved April 29, 1980

Time: 3:30 P.M.

Act No. 80-269 H.J.R. 222—Harper (T), Adams (C),
Adams (H), Albright, Amari,
Barton, Bedsole, Bennett,
Biddle, Blake, Boles, Bowling,
Brakefield, Buskey, Cabaniss,
Campbell, Carothers, Carter,
Cates, Cheatwood, Clark (G),
Clark (W), Cobb, Coburn,
Cooley, Cosby, Crow, Daniels,
Dial, Dixon, Drinkard,
Edwards, Ford, Gafford,
Gilmer, Goodwin, Greer, Gregg,
Grimsley, Grouby, Hall,
Hammett, Harper (O),
Harrison, Harvey, Hilliard,
Hines, Holley, Holmes, Horn,
Howard, Jackson,
Johnson (R.G.), Johnson (Roy),
Kelley, Kennedy, Laird,
Langford, Letson, Lewis,
McCorquodale, McKee,
McMillan, Manley, Minus,

Mitchell, Moore, Naramore,
 Nevett, Olive, Owens, Parker,
 Patton, Payne, Pegues, Penry,
 Rains, Ray, Reed, Riddick,
 Roberts, Sandusky, Sasser,
 Seibels, Shavers, Shoemaker,
 Smith (C), Smith (J), Smith (M),
 Starkey, Stewart, Stout,
 Trammell, Tucker, Turner,
 Turnham, Venable, Waggoner,
 Ward, Warren, Whatley,
 Williams, Willis, Wyatt, Zoghby

HOUSE JOINT RESOLUTION

COMMENDING JOSEPH T. CALLAWAY AND MARY LIB CALLAWAY FOR DONATING A FORTY FOOT YACHT TRAWLER TO THE MARINE ENVIRONMENTAL SCIENCES CONSORTIUM.

WHEREAS, Joseph T. Callaway and Mary Lib Callaway unselfishly donated a forty foot yacht trawler named "Flying Tiger" to the Marine Environmental Sciences Consortium; and

WHEREAS, the Marine Environmental Sciences Consortium is an institution established by the Legislature of Alabama in 1971 for the purpose of Marine research and education; and

WHEREAS, the Marine Environmental Sciences Consortium is an institution which does not have the resources available to purchase a yacht equal in value to the "Flying Tiger" and

WHEREAS, the "Flying Tiger" has been of inestimable value to the Marine Environmental Sciences Consortium in marine research and education; and

WHEREAS, the "Flying Tiger" has been used for numerous research and education projects, including the development of an artificial off-shore reef, the environmental assessment of the Theodore ship channel in support of the Theodore Industrial Park, the research for a potential off-shore long-line shark fishery, and the teaching of numerous classes at the Dauphin Island Sea Lab;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that Joseph T. Callaway and Mary Lib Callaway be highly commended for unselfish demonstration of public spirit in donating the "Flying Tiger" to the Marine Environmental Sciences Consortium.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Joseph and Mary Callaway and to each of their grandchildren.

Approved April 29, 1980

Time: 3:30 P.M.

Act No. 80-270

H.J.R. 225—Manley

HOUSE JOINT RESOLUTION

EXTENDING THE JOINT INTERIM COMMITTEE TO STUDY SALARIES AND RELATED MATTERS CREATED BY ACT NO. 79-76, HJR 61, OF THE 1979 REGULAR SESSION.

WHEREAS, there is further need to study salaries, fringe benefits, social security benefits, retirement benefits, insurance, supernumerary status and related matters of employees of both public and private enterprise; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the committee to study salaries and related matters created by Act No. 79-76, HJR 61 of the 1979 Regular Session is hereby extended for a period of one year.

Said committee shall continue to have the same powers, duties, functions rights and privileges, and shall report their findings and recommendations to the legislature by the fifth legislative day of the 1981 Regular Session.

Approved April 29, 1980

Time: 3:30 P.M.

Act No. 80-271

H. 230—Lewis, Dixon, Smith (C),
Amari, Bowling, Bennett

AN ACT

To amend Code of Alabama 1975, §§16-24-31 to provide for the appointment of a representative of the city and county boards of education to the State Tenure Commission by the President of the Alabama Association of School Boards.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1975, §§16-24-31 is amended to read as follows:

"Section 16-24-31. Appointment, terms and qualifications of members; vacancies; teacher's tenure not affected by membership. Within 30 days after November 19, 1959, the members of the state tenure commission shall be selected as follows: One member shall be appointed by the President of the Alabama Association of School Boards from among the members of the city and county boards of education for a term of seven years; one member shall be appointed by the state superintendent of education from among the county and city superintendents of education for a term of six years, one member, who shall not be a member of the teaching profession shall be appointed by the president of the Alabama congress of parents and teachers for a term of five years, two members, both of whom shall be currently employed as certified classroom teachers and both of whom shall have attained continuing service status under the teacher tenure law, shall be appointed by the Alabama education association for terms of four years and three years, respectively; one member, who shall not be a member of the teaching profession, shall be appointed by the governor for a term of two years; and one member, who shall be currently employed as a certified principal or certified supervisor, shall be appointed by the state superintendent of education for a term of one year. During the 30 days immediately preceding the expiration of the respective term of the members of the state tenure commission, each appointing authority designated herein shall appoint a successor member of the commission as provided herein for a term of seven years. Any provision to the contrary notwithstanding, however, each member of the commission shall serve until his successor is appointed. Any vacancy occurring on the commission shall be filled by appointment for the unexpired term in the manner as the original appointment was made. Not more than one member of the tenure commission shall be appointed from any one congressional district. Membership on the commission shall not adversely affect the status of a teacher's tenure with the city or county board of education. (Acts 1959, No. 643, p. 1557, §2; Acts 1973, No. 1079, p. 1835, §1.)"

Section 2. All laws or parts of laws in conflict herewith are hereby repealed.

Section 3. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved April 29, 1980

Time: 3:30 P.M.

Act No. 80-272

H. 319—Sasser

AN ACT

To amend and reenact Act No. 87, S. 40, 1971, Third Special Session, (Acts of 1971, p. 4299, now appearing in Code of Alabama, Recompiled 1975, Title 16-46-1 through 16-46-10), known as the Alabama Private School License Law, relating to the regulation of certain schools and courses of instruction publicized, sold, offered for sale, and administered to residents of this state; so as to provide for effective and realistic regulation of such schools and courses of instruction.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 87, S. 40, 1971, Third Special Session, (Acts of 1971, p. 4299, now appearing in Code of Alabama, Recompiled 1975, Title 16-46-1 through 16-46-10), known as the Alabama Private School License Law, is hereby amended and reenacted to read as follows:

“§16-46-1.

For the purposes of this chapter, the following words shall have the meanings respectively ascribed to them by this section:

(a) **COURSE.** Any course, or portion of a plan or program of instruction, whether conducted in person, by mail, or by any other method.

(b) **SCHOOL.** Any person, group of people, institution, establishment, agency, or organization offering or administering a plan, course, or program of instruction whether conducted in person, by mail, or by any other method.

(c) **PRIVATE SCHOOL.** Operation by either profit or nonprofit entity as opposed to publicly owned or operated schools.

(d) **AGENT or REPRESENTATIVE.** Salesperson who presents materials, sells courses, or solicits students for enrollment therefor in this state outside the boundaries of the school facilities.

(e) **LICENSE.** A private school license identifying the name and location of the school and establishing the courses which may be offered thereunder.

(f) **PERMIT.** A pocket card issued to a representative providing identification as an authorized agent of a school.

(g) **ECONOMIC FRAUD.** The sale of courses or programs of study which an institution is unable or unwilling to provide as advertised or described because of inadequate financial stability, facilities, instructional staff, or commitment to honor written or verbal contracts made with students. Included is the solicitation of students for enrollment through intentional deception or

misrepresentation of fact and the use of advertising which is known to be false, inaccurate, or misleading. Failure to properly administer student cancellation and refund policies according to appropriate regulations or agreements made with students shall also constitute economic fraud.

(h) **ACADEMIC FRAUD.** Courses offered are insufficient in quality, content, or administration to achieve the stated or implied educational objective. Persons offering such courses who know or reasonably should know that said courses cannot achieve the stated or implied educational objective shall be considered to be involved in academic fraud.

(i) **RESIDENT PRIVATE SCHOOL.** A school which is domiciled within Alabama and has established for a period of three years permanent administrative and management facilities in this state.

(j) **PRINCIPAL BASE OF OPERATIONS.** A school which has established a main campus in Alabama. Administrative and managerial support and physical plant facilities are maintained continuously in this location. Franchises chartered independently of parent corporations may be accorded this status provided they comply with the residency requirements."

(k) **CHURCH SCHOOL.** A school operated by a local church, group of churches, denomination, and/or association of churches on a nonprofit basis.

"§16-46-2.

It is hereby generally recognized that courses of instruction, whether given in residence or by mail, result in substantial benefits for students pursuing such courses, provided that such courses are designed and administered in accordance with recognized educational standards and practices. It is also recognized that persons taking such courses and institutions offering such courses should be afforded additional protection under the laws of this state. It is the purpose of this chapter to supplement the general law of fraud of this state so as to provide for students, educational institutions, and the general public such added protection."

"§16-46-3.

(a) This chapter shall not apply to the following schools nor to any person in regard to the operation of such schools, except for the conditions stated in this section:

(1) Schools operated on a nonprofit basis offering only courses or programs of study in the performance of or preparation for the

ministry of any established church, denomination, or religion;

(2) Courses conducted by employers exclusively for their employees and courses conducted by labor unions exclusively for their members;

(3) Schools offering instruction in grades K-12, including the kindergarten, elementary, or secondary level and operated by a parochial, denominational, or religious organization, and/or as a ministry of a local church or group of churches on a nonprofit basis;

(4) Schools offering instruction in grades K-12, including the kindergarten, elementary, or secondary level, and operated by a community, educational organization, or group of parents, organized as a nonprofit educational corporation with the expectation of establishing a more favorable environment for those in attendance;

(5) Schools, colleges, and universities principally operated and supported by the state of Alabama or its political subdivisions;

(6) Seminars and short courses sponsored or offered by professional business, trade, or religious organizations primarily for benefit of members thereof, or similar public programs of training where the majority of the students have at least half of their tuition and enrollment fees paid by their employers, provided that evidence is supplied supporting this exemption continuously over the preceding five years;

(7) Any private school conducting resident courses whose principal base of operation is within the state of Alabama which has been in continuous operation for twenty (20) years or more as of passage of this act, and that held accreditation as of that date by an accrediting agency recognized by the United States department of education, the council on postsecondary accreditation, or the Alabama state department of education;

(8) Programs of study regulated by other state boards, commissions, or agencies requiring school licensure and/or performance bonding, except where the appropriate regulatory agency requires a license under this chapter; and

(9) Any private school, college, or university conducting resident courses whose principal base of operation is within Alabama and that is accredited by an accrediting agency recognized by the United States department of education, the council on postsecondary accreditation, or the Alabama state department of education shall be accorded the following provisions:

Upon proof of such accreditation and compliance with the

accrediting agency regulations, such schools will be issued a license and agent permits when required fees are paid to the state approving agency. Where adequate consumer protection measures exist in the accrediting agency regulations, these provisions will satisfy the following minimum standards of this chapter:

Surety requirements for schools and agents may be excused when financial stability is established; tuition, cancellation, and refund policies; instructor qualifications; curriculum content, organization, and administration; catalog content; and instructional facilities, equipment, and library.

(b) Any private school exempted in section 16-46-3 shall retain the exempted status as long as the conditions of exemption remain valid. An accredited private school or program of study not elsewhere exempted whose accreditation is revoked shall forfeit its exemption status until the grant of accreditation is restored; however, due process of the accrediting commission shall be allowed prior to withdrawal of an exemption. Schools having accreditation withheld as a result of transfer of ownership will be allowed a period of time to regain the grant in accordance with the appropriate accrediting commission regulations.

(c) An exemption pursuant to section 16-46-3 shall not be construed to constitute approval or endorsement by the State of Alabama for any purpose.

(d) Exempted private schools may voluntarily request to be licensed without surety as described in sections 16-46-5 and 16-46-6.

(e) Private schools which cease operations shall place the student academic attendance, and financial aid records in the office of the appropriate school administrator where a repository shall exist to safeguard and to make available these records to authorized persons upon request:

(1) Schools which merge, consolidate, or undergo change of ownership shall deposit with the continuing school;

(2) Schools which are a part of a system, organization, franchise, or a ministry of a local church or a group of churches shall deposit with the administrative office thereof if such is to remain in operation;

(3) Elementary and secondary schools without system support shall deposit with the superintendent of the public county or city within whose district the school is located; and

(4) Postsecondary, higher, and others not elsewhere designated shall deposit with the state approving agency, state

department of education.

“§16-46-4.

No person shall:

(a) Make or cause to be made any statement or representation, oral, written, or visual, in connection with the operation of a school or the offering of a course, if such person knows or reasonably should know the statement or representation to be false, inaccurate, or misleading;

(b) Promise or guarantee employment utilizing information, training, or skill purported to be provided or otherwise enhanced by a course or school, unless such person offers the student or prospective student a bona fide contract of employment agreeing to employ said student or prospective student for a period of not less than six months in a business or other enterprise regularly conducted by him and in which such information, training, or skill is a normal condition of employment; or

(c) Do any act constituting part of the conduct of operating a school or administration of a course or the obtaining of students therefor if such person knows or reasonably should know that any phase or incident of the conduct or operation of the school or administration of the course is being carried on by the use of fraud, deception, or other misrepresentation or by a person or persons operating a school without a license or soliciting students without a permit provided for by this chapter.”

“§16-46-5.

(a) No school, except those enumerated in section 16-46-3, shall operate within this state unless said school first secures a license from the Alabama state department of education. Procedures for licensing and bonding of schools operating courses in separate locations shall be established in the rules and regulations pursuant to section 16-46-7 of this chapter.

(b) Upon satisfactory review of a school, the Alabama state department of education shall issue a license to be publicly displayed on the premises where the school operates.

(c) The application for a license shall be made on forms to be furnished by the Alabama state department of education and shall be accompanied by a fee of not more than two hundred and fifty dollars (\$250.00).

(d) All schools except those enumerated in section 16-46-3 of this chapter shall be required to establish financial stability by a

surety acceptable to the Alabama state department of education in the penal sum of not more than ten thousand dollars (\$10,000.00). The sum required to provide prepaid tuition liability shall be established by the Alabama state department of education by appropriate regulation pursuant to section 16-46-7 of this chapter. Financial stability for separate locations shall be provided through the principal base of operations. Such surety must be continuous and shall be conditioned to provide indemnification to any student suffering loss as a result of any fraud or misrepresentation used in procuring his enrollment in and/or administering a course covered by this chapter for the purpose of assuring due and faithful performance of agreements or contracts with students.

(e) A license shall be valid for one year from the date on which it was issued.

(f) Regardless of the number of years that a surety is in force, the aggregate liability thereon shall in no event exceed the penal sum of the surety accepted by the Alabama state department of education. The surety may cancel the same upon giving thirty (30) days' notice in writing to the Alabama state department of education and thereafter shall be relieved of liability for any breach of condition occurring after the effective date of said cancellation.

(g) An application for renewal of license shall be accompanied by a fee of not more than one hundred dollars (\$100.00) and a surety as provided in this paragraph. The Alabama state board of education may at its option reduce the license fees if it is determined by the board that this chapter can be properly administered by collecting lesser fees. All fees collected for issue or renewal of such licenses shall be deposited in the state treasury to the credit of the Alabama state approving agency in the Alabama state department of education.

(h) Application for a license shall also be accompanied by a financial statement acceptable to the state department of education and a copy of the current catalog, brochure, or bulletin of the school which must include the following:

(1) Identifying data such as volume number, date, and publication;

(2) Name, address, and telephone of the school and its governing body, officials, and faculty;

(3) A clear and concise statement of the objectives of the training given by the school;

(4) The exact manner in which the stated objectives are to be

attained;

(5) A tuition and refund policy which is in compliance with the appropriate regulation pursuant to section 16-46-7 of this chapter;

(6) A grievance policy which directs aggrieved students to first attempt to resolve complaints through the appropriate school officials. Student grievances not resolved by the school should be referred to the state approving agency; and

(7) Such other reasonable information as the Alabama state department of education may impose.

(i) Upon receipt of the required information, the Alabama state department of education may issue a license provided the institution is complying with the following standards:

(1) The courses, curriculum, and instructions of such school are consistent in quality and content, with recognized educational standards as determined by the Alabama state department of education;

(2) There is available to the school adequate space, equipment, instructional material, and instructor personnel to provide training of good quality;

(3) Adequate records as determined by the Alabama state department of education are kept to show attendance and student progress. Records must be available upon request of the student to be furnished prospective employers and other interested parties;

(4) The school is financially sound and capable of fulfilling its commitments for training;

(5) Schools or courses domiciled outside Alabama must designate a state agent who is a resident of this state to service all complaints against the school;

(6) A student enrollment agreement or contract shall be utilized to set forth clearly all conditions for enrollment in and completion of courses of instruction, itemized course cost, terms of payment, and other conditions the school may desire to establish. Conditions for forced withdrawal for academic or disciplinary reasons must be stated. Contracts establishing installment payments with interest charges must be in compliance with Alabama statutes regarding lending and usury and must be certified by the Alabama state banking department; and

(7) The school must comply with all local, state, and federal laws and regulations.

(j) Any license applied for pursuant to subsection (a) of this section shall be granted, deferred, or denied within thirty (30) days of the receipt of the application therefor by the Alabama state department of education.

(k) The Alabama state department of education may invoke negative actions against any license issued if the holder of the license solicits or enrolls students or administers instructions through fraud, deception, or misrepresentation. Negative actions shall include probation, suspension, and/or revocation.

(l) The fact that a surety is in force pursuant to this section shall not limit nor impair any right of recovery otherwise available under law, nor shall amount of such surety be relevant in determining the amount of damages or other relief to which any plaintiff may be entitled.

(m) No recovery against any student shall be had on any contract if such school was not the holder of a license as required by this section at the time that such school or its representative negotiated the contract for or sold such course.

(n) Schools which undergo transfer of ownership shall be reviewed to determine that minimum standards remain in effect. The license may not be transferred to new ownership. Financial stability of the new ownership must be established.

(o) The issuance of a license pursuant to this section shall represent authority to operate an educational institution in Alabama. Licensure may not be advertised as an endorsement or recommendation, but it implies compliance with the laws of Alabama. Advertising may indicate that the school is licensed and approved by the state approving agency.

“§16-46-6.

(a) No person representing any school or other individual or organization offering courses in this state, or from a place of business in this state, whether located within or outside this state, shall sell any course or solicit students therefor in this state for a consideration or remuneration unless a permit is first secured from the Alabama state department of education, with the exception of agents representing schools exempted under section 16-46-3 of this chapter. If the agent represents more than one school, a separate permit must be obtained for each school represented.

(b) Upon satisfactory review of an agent, the Alabama state department of education shall issue a pocket card displaying the person's signature, facial photo, name and address, the name and

address of the employing school, and certifying that the person is an authorized agent of the school. A permit shall be valid for one year from the date on which it was issued. This permit must be carried on person when representing the school as an agent.

(c) The application for a permit shall be made on forms to be furnished by the Alabama state department of education and shall be accompanied by a fee of not more than fifty dollars (\$50.00) and a surety acceptable to the Alabama state department of education in the penal sum of not more than two thousand five hundred dollars (\$2,500.00). Such surety must be continuous and shall be conditioned to provide indemnification to any student suffering loss as a result of any fraud or misrepresentation used in procuring his enrollment and may be supplied by the representative of a privately owned school or by the school itself as a blanket surety covering each of its representatives in the amount of not more than two thousand five hundred dollars (\$2,500.00). The liability of the surety for each representative covered thereby shall in no event exceed the sum of two thousand five hundred dollars (\$2,500.00) as an aggregate for any and all students for all breaches of the conditions of the surety by such representatives. The surety may be cancelled upon giving thirty (30) days' notice in writing to the Alabama state department of education and thereafter shall be relieved of liability for any breach of condition occurring after the effective date of said cancellation.

(d) Schools utilizing agents shall provide indemnification to any student suffering loss as a result of any fraud or misrepresentation used by said agents in procuring enrollment.

(e) One complimentary agent's permit may be issued to a designated owner, director, or managerial person of each licensed school identified as a principal base of operation.

(f) Application for renewal shall be accompanied by a fee of not more than twenty-five dollars (\$25.00) and a surety as provided in this subsection, if a continuous surety has not been furnished. The Alabama state department of education may at its option reduce the permit fees if it is determined by the board that this chapter can properly be administered by collecting lesser fees. All fees collected for the issuance or renewal of such permits shall be deposited in the state treasury to the credit of the Alabama state approving agency in the Alabama state department of education.

(g) No person shall be issued a permit to represent any school whether located within or outside this state until it has been determined by the Alabama state department of education that said school has qualified under the requirements of section 16-46-5.

(h) Any permit applied for pursuant to subsection (a) or (b) of this section shall be granted, deferred, or denied within thirty (30) days of the receipt of the application therefor by the Alabama state department of education.

(i) The Alabama state department of education may invoke negative actions against any permit issued if the holder of the permit solicits or enrolls students through fraud, deception, or misrepresentation or upon a finding that the license to operate the school represented is revoked or it is determined by the Alabama state department of education that the school located outside of the state which the holder of the permit represents does not meet the requirements of section 16-46-5. Negative actions shall include probation, suspension, and/or revocation.

(j) The fact that a surety is in force pursuant to paragraph (c) of this section shall not limit or impair any right of recovery otherwise available under law, nor shall the amount of such bond be relevant in determining the amount of damages or other relief to which any plaintiff may be entitled.

(k) No recovery shall be had on any contract for or in connection with a course by any person selling or administering such course if the representative soliciting the students or selling the course was not the holder of a permit as required by this section at the time that such representative negotiated the contract for or sold such course.

(l) No recovery shall be had on any contract for or in connection with a course by any person or institution holding such a contract who is legally a third party or holding agent for one of the other parties where the selling of the course or the conduct or operation of the school or the administering of the course is carried on by use of fraud, deception, or other misrepresentation or if the person or persons operating the school, administering the course, or soliciting students is without a license provided by this chapter.

(m) The issuance of a permit pursuant to this section shall not be deemed to constitute endorsement of any course, person, or institution offering, conducting, or otherwise administering the same. Any representation contrary to this subsection or tending to imply that a permit issued pursuant to this section constitutes such endorsement shall be a misrepresentation within the meaning of this chapter; except, that permits to sell courses, solicit students, or otherwise represent a school located within this state will not be issued unless the school first obtained a license to operate under section 16-46-5, nor will permits be issued to represent schools located outside of the state until it has been determined by the

Alabama state department of education that such school qualifies under the requirements of section 16-46-5.”

“§16-46-7.

The Alabama state board of education is authorized to adopt rules and regulations for the administration and enforcement of this chapter and shall establish an advisory committee of owners or operators of institutions to which this chapter applies and of other persons with knowledge in the field to which this chapter applies to advise it in its administration of this chapter. The advisory committee shall have the authority to review any action taken or policy established by the state approving agency in the administration of this chapter and may offer recommendations to the state superintendent or state board of education. Reimbursement for per diem and travel to advisory committee meetings shall be authorized under this chapter and shall be expended by voucher as required by the Alabama state department of education.”

“§16-46-8.

The Alabama state department of education may institute such action of law or in equity as may be necessary to enforce the provisions of this chapter. In addition to any other remedy under this chapter, the Alabama state department of education may apply for relief by injunction, mandamus, or any other appropriate remedy in equity without being compelled to allege or prove that an adequate remedy at law does not otherwise exist nor shall the Alabama state department of education be required to give or post bond in any action to which it is a party, whether upon appeal or otherwise. All legal actions shall be brought against the Alabama state department of education in the name of the Alabama state board of education. The Alabama state department of education shall have the power to institute an action by its own attorney, but it shall have the right, if it deems advisable, to call upon any county solicitor or district attorney to represent it in the circuit courts of this state or the attorney general to represent it on appeal in the appellate courts of this state.”

“§16-46-9.

Any person or school aggrieved by the actions of the Alabama state department of education with respect to exemption, issuance, denial, deferral, probation, suspension, or revocation of a license or permit provided for in sections 16-46-3, 16-46-5, and 16-46-6, may file within thirty (30) days a petition for review by the Alabama state board of education. The aggrieved person or school shall then be entitled to a hearing before the Alabama state board of

education; he shall have the right to be represented by counsel at said hearing; said aggrieved person or school shall have the right to adduce evidence, both oral and documentary, at such hearing and on official record if such hearing shall be transcribed by a qualified court reporter. After the Alabama state board of education acts on said petition for review, any person or school aggrieved by the Alabama state board of education's actions shall, within thirty (30) days after receiving notice of any such action, have such action reviewed by a writ of certiorari by filing in the circuit court of Montgomery county, Alabama, a verified petition setting out the specific action of the Alabama state board of education by which said person or school is aggrieved, and such court shall consider only such matters as are contained in such petition. Upon such petition being so filed, a writ of certiorari shall be issued out of said court directly to the Alabama state board of education requiring it to file with the court, the records and transcript of testimony upon which such action or order was made and requiring said board to file an answer to said petition within thirty (30) days of service of said writ, and upon said board filing such answer, issue shall be joined thereon without further pleading and the case considered on said petition, the records of said board and the answer filed by said board, but no new or additional evidence shall be taken or heard by the court. If new or additional evidence is discovered by any party or school, after the hearing of the Alabama state board of education, the same may be made grounds for a motion for a new hearing before the Alabama state board of education under the rules applicable to similar laws for a new trial in the state courts of Alabama. Such court shall have the power to suspend or stay such actions of the Alabama state board of education complained of in such petition, pending final hearing, only upon the petitioner executing in such amount as the court deems reasonably sufficient to pay all costs of appeal if said petition shall not be sustained, but in no case shall said bond be less than the reasonable cost of the transcript of hearing before the Alabama state board of education which was had in the proceeding wherein the action was taken which was appealed from. Upon final hearing, such court shall have jurisdiction to reverse, vacate or modify the action complained of if, upon the consideration of the issues before the court, the court is of the opinion that the action is unlawful."

"§16-46-10.

It shall be unlawful for any person to violate any provisions of this chapter. Any person required by this chapter to have a license or permit who shall do in this state any business of the nature described in this chapter without first obtaining such a license or permit as required of him by this chapter shall be guilty of a

misdemeanor and, upon conviction, shall be punished by a fine of not more than \$500.00 or a term of imprisonment not to exceed six months, or both. Each day's violation of this chapter shall constitute a separate offense. All fines shall be deposited in the state treasury to the credit of the Alabama state approving agency in the Alabama state department of education."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 29, 1980

Time: 3:30 P.M.

Act No. 80-273

H. 753—Turner

AN ACT

To provide for a certain increase in court costs in the Washington County division of the First Judicial Circuit of this state with the proceeds to be used for an increase in the salaries and retirement of full-time deputies and jailers.

Be It Enacted by the Legislature of Alabama:

Section 1. On the first day of the first month next following the effective date of this act, all costs and charges of court for all civil and criminal cases brought in any court in Washington County shall be increased by ten dollars (\$10.00) with the proceeds from such increase to be paid into the general fund of Washington County to be used exclusively for increasing the salaries of full-time deputies and jailers to \$200.00 per month and for paying the increase in the cost of the retirement of said individuals. If a jailer or deputy comes under the Social Security Act, and the result of this bill causes his/her Social Security to be cut out, Commissioners can adjust his/her salary to include Social Security compensation.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 30, 1980 without approval by the Governor.

Act No. 80-274

H. 730—Turner

AN ACT

Relating to Washington County; prohibiting the hunting of unantlered deer.

Be It Enacted by the Legislature of Alabama:

Section 1. In Washington County, notwithstanding any rule or regulation promulgated by the Department of Conservation and Natural Resources to the contrary, it shall be unlawful to hunt unantlered deer. In the case that the Conservation Department deems it necessary that individual property may be damaged due to overpopulation or health reasons of the deer, the Conservation Department may open the unantlered deer season. As far as bow hunting is concerned, the unantlered season shall be left up to the Conservation Department.

Section 2. Any person violating the provisions of this act shall be guilty of a misdemeanor and shall be punished as prescribed by law.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 29, 1980

Time: 3:30 P.M.

Act No. 80-275

H. 834—Johnson (R.G.)

AN ACT

To provide that no municipality whose corporate limits do not lie within or extend into and embrace and include a portion of Coosa County shall have or exercise police jurisdiction within Coosa County; nor shall any such municipality exercise police jurisdiction, police powers or taxing powers within Coosa County or over or on any person in Coosa County or property or business or trade or profession in Coosa County; nor shall any such municipality levy, fix or collect any license or fee of any kind in Coosa County; nor shall any ordinance of any such municipality enforcing police or sanitation regulations or prescribing fines or penalties for violating thereof have force or effect in Coosa County.

Be It Enacted by the Legislature of Alabama:

Section 1. That no municipality whose corporate limits do not lie within or extend into and embrace and include a portion of

Coosa County shall have or exercise police jurisdiction within Coosa County; nor shall any such municipality exercise police jurisdiction, police powers or taxing powers within Coosa County or over or on any person in Coosa County or property or business or trade or profession in Coosa County; nor shall any such municipality levy, fix or collect any license or fee of any kind in Coosa County; nor shall any ordinance of any such municipality enforcing police or sanitation regulations or prescribing fines or penalties for violation thereof have force or effect in Coosa County.

Section 2. All laws, local, general and special, in conflict with the provisions of this act applicable to Coosa County are expressly repealed.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 29, 1980

Time: 3:30 P.M.

Act No. 80-276

H. 910—Roberts, Patton

AN ACT

Relating to Morgan County; amending Act 742, 1978 Regular Session (Acts of 1978, p. 1081), which levies a county gross sales tax, so as to provide for a lower tax rate for certain gross sales of agriculture equipment, motor vehicles and mining equipment, and to clarify the provisions thereof relative to the distribution of the tax so that a part of the tax will be paid to certain municipalities in the county.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 2 and 7 of Act 742, H.B. 1101, 1978 Regular Session (Acts of 1978, p. 1081), which levies a gross sales tax in Morgan County, is hereby amended to read as follows:

“Section 2. There is hereby levied and imposed within the county gross receipts tax area in Morgan County, in addition to all other taxes, including municipal gross receipts license taxes now imposed by law, a special county privilege license tax paralleling the state sales tax, such privilege license tax to be determined by the application of rates against gross sales or gross receipts, as the case may be, and within specified areas at the rate of 2% of the gross proceeds of sales or receipts.

"Provided, however, the tax rate shall be one-half of one percent ($\frac{1}{2}$ of 1%) for the gross sales or gross receipts:

"(a) Upon every person, firm or corporation engaged or continuing within this county in the business of selling at retail any machine, machinery or equipment which is used in planting, cultivating and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock or poultry on farms, and the parts of such machines, machinery or equipment, attachments and replacements therefor which are made or manufactured for use on or in the operation of such machine, machinery or equipment, and which are necessary to and customarily used in the operation of such machine, machinery or equipment; provided, that the one-half percent rate herein prescribed with respect to parts, attachments and replacements shall not apply to any automotive vehicle or trailer designed primarily for public highway use, except farm trailers used primarily in the production and harvesting of agricultural commodities.

"Where any used machine, machinery or equipment which is used in planting, cultivating and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock and poultry on farms is taken in trade or in a series of trades as a credit or part payment on a sale of a new or used machine, machinery or equipment, the tax levied herein shall be paid on the net difference, that is, the price of the new or used machine, machinery or equipment sold, less the credit for the used machine, machinery or equipment taken in trade.

"(b) Upon every person, firm or corporation, engaged or continuing within the county in the business of selling at retail any automobile vehicle or truck trailer or semi-trailer.

"Where any used automotive vehicle or truck or semi-trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference; that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

"(c) Upon every person, firm or corporation engaged or continuing within this county in the business of selling at retail machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property; provided, that the term 'machines,' as herein used, shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefor, which are made

or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

"There are exempted, however, from the provisions of this section and from the computation of the amount of the tax imposed in this section, the gross receipts of any business and the gross proceeds of all sales which are presently exempted under the state sales tax statutes from the computation of the amount of the state sales tax.

"Section 7. The State Department of Revenue shall charge Morgan County for collecting the special county tax levied under this act such amount or percentage of total collections as may be agreed upon by the Commissioner of Revenue and the Morgan County Commission, but such charge shall not, in any event, exceed ten percent of the total amount of the special county tax collected in said county under this act. Such charge for collecting such special tax may be deducted each month from the gross revenues from such special tax before certification of the amount of the proceeds thereof due Morgan County for that month. The Commissioner of Revenue shall pay into the state treasury all tax collected under this act, as such tax is received by the Department of Revenue, and on or before the first day of each successive month (commencing with the month following the month in which the department makes the first collection hereunder) the commissioner shall certify to the state comptroller the amount of tax collected under the provisions of this act and paid by him into the state treasury for the benefit of Morgan County during the month immediately preceding such certification. Provided, however, that before certifying the amount of the tax paid into the state treasury for the benefit of Morgan County during each month, the commissioner may deduct from the tax collected in said month the charge due the department for the collection of the tax for the county. It shall be the duty of the comptroller to issue his warrant each month payable to the county treasurer of Morgan County or other person performing the duties of county treasury, in his official capacity in an amount equal to the amount so certified by the Commissioner of Revenue as having been collected for the use of the county.

"Any incorporated municipality within the county gross receipts tax area may, by resolution of the municipal governing body, elect to share in the proceeds of the special privilege tax of the county and thereafter, upon compliance with the procedure hereinafter provided, shall be entitled to receive a pro rata share of the net proceeds of the tax herein levied, based upon the amount of tax collected within the corporate boundaries of said municipality.

The municipal clerk shall immediately after adoption of such resolution notify the county commission of such action. Within fifteen days after the expiration of the third month, beginning after the municipality has adopted such resolution, and quarterly thereafter, the municipal clerk shall certify to the county treasurer or other person performing the duties of treasurer the total amount of taxes collected within the municipality during the preceding three months period, and the county treasurer or other person performing the duties of such treasurer, after deducting the cost of collection, shall, as hereinafter directed, remit to the municipal treasury that municipality's share of such taxes for the preceding quarter.

"Each month within fifteen days after receipt of said net proceeds from the comptroller, the county treasurer or person performing the duties of the treasurer shall remit the amount due to each municipality entitled that month to receive its share of the tax for the preceding quarter. He shall then deliver to the Morgan County Board of Education ninety percent (90%) of the balance remaining, and shall pay into the general fund of Morgan County the remaining ten percent (10%). Such general fund amount (10%) shall be expended by the Morgan County Commission to support and improve rural fire departments within said county."

Section 2. The provisions of this act shall not be required to be submitted to a referendum vote of the electors of Morgan County.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 29, 1980

Time: 3:30 P.M.

Act No. 80-277

H. 117—Smith (J)

AN ACT

Relating to Madison County; to provide alternative methods of funding a legislative delegation office and to reallocate Madison County's share of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. Pursuant to the authority granted by Sections 40-28-1 through 40-28-3, Code of Alabama 1975, Madison County's share of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes shall be distributed as provided by this act.

A. Pursuant to the authority granted by Section 40-28-2, Code of Alabama 1975, Madison County's share of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes shall be distributed in the following manner:

The first \$40,000 paid, as Madison County's total share, shall be for the purposes of establishing and maintaining a legislative delegation office. All decisions concerning the Madison County Legislative Office, including but not limited to, revenue, income, or expenditures such as for employment, contracts, leases or purchases shall be made by resolutions of the delegation adopted by a concurrent majority of the Madison County delegation, Senators and House of Representative members, each House voting separately. Such resolution may provide an operation procedure for the delegation office. The Madison County Commission shall immediately pay such amounts from such funds as the Madison County legislative delegation may request. Such requests shall be in the form of a resolution passed by the county legislative delegation, signed by one Senator and one member of the House of Representatives from the county who shall be duly appointed by the legislative delegation. The legislative delegation shall expend such monies to employ staff, acquire adequate physical office space, equipment, supplies, services and all other necessary items. The persons employed and expenditures of the funds by the legislative delegation shall be in their discretion. Any funds allocated but not expended at the end of the fiscal year, in accordance with this subsection, shall revert to the general fund of the county treasury. The revenue and expenditures of the legislative office shall be audited on an annual basis.

B. The remaining money, disbursed pursuant to the authority granted by Section 40-28-2, Code of Alabama 1975, shall be prorated in the following manner:

1. Seventy percent (70%) of said remaining money shall be paid to the City of Huntsville. Said payment shall be distributed in the following manner:

(a) Sixty-five percent (65%) to the city school system to be paid by the city governing body directly to the school system.

(b) Twenty-five percent (25%) to the city general fund.

(c) Ten percent (10%) to the City of Huntsville Hospital

Authority, provided, however, that if the revenue produced by this percentage formula should exceed \$525,000 in any fiscal year, said excess revenue shall revert to the general fund of the City of Huntsville. The provisions of this subsection shall expire on September 30, 2003, and thereafter said revenue shall revert to the general fund of the City of Huntsville.

2. Twenty-nine and one-half percent (29½%) of said remaining money shall be paid to Madison County. Said payment shall be distributed in the following manner:

(a) Sixty-five percent (65%) to the county school system to be paid by the county governing body directly to the school system.

(b) Twenty-eight percent (28%) to the county general fund.

(c) Seven percent (7%) to the City of Huntsville Hospital Authority, provided however, that if the revenue produced by this percentage formula shall exceed \$150,000 in any fiscal year, said excess revenue will revert to the general fund of Madison County.

3. One-half percent (½%) of said remaining money shall be paid to the remaining incorporated municipalities within Madison County on a per capita basis. Said payments shall be distributed in the following manner:

(a) Sixty-five percent (65%) to the county school system to be paid by the municipal governing body directly to the school system.

(b) Thirty-five percent (35%) to the municipal general fund.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 29, 1980

Time: 3:30 P.M.

Willis, Blake, Johnson (R.G.),
 Biddle, Dial, Seibels, Clark,
 Gilmer, Goodwin, Smith (C),
 Smith (M), Wyatt, Mitchell,
 Barton, Zoghby, Warren,
 Edwards, Stewart, Owens,
 McCorquodale, Bedsole,
 Harper (T), Ray, Hammett,
 Roberts, Letson, Patton, Kelley,
 Bowling, Naramore, Carter,
 Smith (J), Bennett, Starkey,
 Hilliard, Tucker, Horn, Olive,
 Cabaniss, Moore, Shoemaker,
 Payne, Venable, Cates,
 Campbell, Carothers, Grouby,
 McKee, Dixon

AN ACT

To make legislative findings regarding the need for the efficient collection and disposal of solid waste and the need to develop alternative energy sources by the recovery of energy from solid waste, as well as the need for funds to finance such facilities; to define the particular terms used in the subsequent provisions of this Act; to provide for and authorize the incorporation by any County or Municipality in the State of one or more public corporations and instrumentalities of the State, upon the filing of an application with, and the making of certain determinations by, the governing body of a County or Municipality; to provide for and authorize the certificate of incorporation of any such authority to be amended at any time and from time to time upon the filing of applications with, and the making of certain determinations by, the governing body of such County or Municipality; to provide for a board of directors of any such authority and the election and removal of the members thereof; to authorize any such authority to acquire, construct, own, lease, operate, and enter into contracts for the operation of, solid waste disposal facilities and resource recovery facilities, and to provide for the general powers to be exercised by any such authority and the conditions under which such powers may be exercised; to empower any such authority to acquire any facility for the recovery of energy from solid waste for lease or sale to any public entity or private person, firm or corporation; to empower any such authority to enter into long-term exclusive contracts for the sale of energy recovered from solid waste; to empower any such authority to borrow money for its various corporate purposes and in evidence thereof to issue its notes, bonds and other obligations payable solely out of the revenues, receipts, income, funds or other sources specified in the proceedings under which such bonds, notes or other obligations are issued; to authorize any such authority to pledge its revenue and mortgage or assign its assets as security for its notes, bonds or other obligations; to provide for the issuance of refunding bonds, notes or other obligations by any authority for the purpose of refunding bonds, notes or other obligations theretofore issued or assumed by it; to provide a method for giving constructive notice of any mortgage, security interest, assignment or pledge created or made by any such authority; to provide that the notes, bonds or other obligations of any such authority shall not constitute or create a debt of the State or any County, Municipality or other political subdivision or agency thereof; to provide that the notes, bonds and all the other obligations of any such authority shall constitute negotiable instruments; to provide that the notes, bonds and other obligations of any

such authority may be used for the investment of trusts and other fiduciary funds; to exempt from all taxation in the State the property, corporate activities, revenues and income of such authority, such transaction or actions to which each such authority is a party or in which it may be involved, and the notes, bonds and all other obligations of each such authority and the income from such notes, bonds and obligations; to exempt any such authority from all laws of the State governing usury or prescribing or limiting interest rates; to exempt any such authority from all laws of the State requiring competitive bids for contracts to be entered into by Municipalities or public corporations; to provide for liberal construction of the provisions of this Act; to confer upon any authority organized under the provisions of this Act the power of eminent domain; to exempt any authority organized under the provisions of this Act from State supervision and control; to exempt each authority from laws permitting cancellation of contracts respecting collection and disposal of solid waste; to provide for the application and effect of Article 1 of Chapter 27 of Title 22 of the Code of Alabama of 1975, as heretofore amended; to provide that any County, Municipality or other political subdivision, agency or instrumentality of the State or any County or Municipality may aid and cooperate with any such authority, lend or donate money or perform services for the benefit thereof, and, without the necessity of an election, donate, sell, convey, transfer, lease or grant thereto any property of any kind; to authorize any County, Municipality or other political subdivision, agency or instrumentality of the State or any County or Municipality to enter into contracts, for a term not exceeding forty-five (45) years, providing for the disposal of its solid waste and payments by such entity to the authority for such disposal, to provide that such contracts shall not constitute a debt of any County, Municipality or political subdivision, agency or instrumentality and to exempt such contracts from cancellation by any County, Municipality, the State or any State or County agency, including the State Department of Health and County Health Department; to provide that any such authority shall be a not-for-profit corporation; to provide that any such authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds, notes or other obligations by such authority, and to provide that any action or proceeding questioning the validity of any such bonds, notes or other obligations or instruments securing the same must be commenced within thirty (30) days after the first publication of said notice; to provide for the dissolution of any such authority and for the vesting of title to its properties; and to provide that the provisions of this Act shall be severable.

Be It Enacted by the Legislature of Alabama:

Section 1. Legislative Findings. It is hereby found and declared as follows: that the collection, disposal and utilization of solid waste is a matter of grave concern to all citizens and is an activity thoroughly affected with the public interest; that the health, safety and welfare of the people of this state require efficient solid waste collection and disposal service and efficient utilization of such waste; that the need exists to develop alternative energy sources for public and private consumption in order to reduce our dependence on such sources as petroleum products, natural gas, nuclear and hydro-electric generation; that solid waste represents a potential source of solid fuel, oil or gas that can be converted into energy; that technology exists to produce usable energy from solid waste; that there is a need for planning, research, development and innovation in the design, management and operation of facilities for solid waste management, in order to encourage continuing improvement and provide adequate incentives and processes for

reducing operation and other costs in the management of solid waste; that a need exists for the demonstration of systems and techniques for materials recovery and reuse of solid waste; that long-term negotiated contracts with users of energy should be utilized as an incentive for the development of facilities for the recovery of energy from solid waste; that there is a shortage of funds available for the provision of solid waste disposal and resource recovery facilities; in order to provide for the collection and disposal of solid waste and to encourage planning of solid waste collection and disposal service and resource recovery through the development of systems for the recovery of material or energy from solid waste, it is necessary and desirable to authorize the creation by municipalities in the state of authorities which will have the power to issue and sell bonds and notes and using the proceeds of such bonds and notes to acquire and construct such facilities.

Section 2. Definitions and Uses of Phrases. The following words and phrases used in this Act, and others evidently intended as the equivalent thereof, shall, in the absence of clear implication herein otherwise, be given the following respective interpretations herein:

“Applicant” means a natural person who files a written application with the Governing Body of any County or Municipality in accordance with the provisions of Section 4 hereof.

“Authority” means any public corporation organized pursuant to the provisions of this Act.

“Authorizing Resolution” means a resolution or ordinance adopted by the Governing Body of any County or Municipality in accordance with the provisions of Section 4 hereof, that authorizes the incorporation of an Authority.

“Board” means the Board of Directors of an Authority.

“Bonds” means bonds, notes or other obligations representing an obligation to pay money.

“Costs” as applied to a Facility or any portion thereof, shall include all or any part of the cost of construction, acquisition, alteration, enlargement, extension, reconstruction, improvement and remodeling of a Facility, including all lands, structures, real or personal property, rights, rights-of-way, franchises, easements, permits, approvals, licenses and certificates and interests acquired or used for, in connection with or with respect to a Facility, the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring lands to which such buildings or structures may be moved, the cost of all machinery and

equipment, financing charges, underwriters' commissions or discounts, interest prior to, during and for a period of six months following estimated completion of such construction and acquisition, provisions for reserves for both principal and interest and for maintenance, extensions, enlargements, additions and improvements to any Facilities then being or theretofore acquired and all other amounts authorized by any Authority to be paid into any specific funds from proceeds of Bonds issued by the Authority, the cost of architectural, engineering, financial and legal services, plans, specifications, studies, surveys, estimates of cost and revenues, administrative expenses, expenses necessary or incident to determining the feasibility or practicability of constructing a Facility and such other expenses as may be necessary or incident to the construction and acquisition of a Facility, the financing of such construction and acquisition and the placing of a Facility in operation.

"County" means any county in the State.

"Determining County" means, with respect to an Authority, any County the Governing Body of which shall have made findings and determinations of fact pertaining to the organization of such Authority in accordance with the provisions of Section 4 of this Act.

"Determining Municipality" means, with respect to an Authority, any Municipality the Governing Body of which shall have made findings and determinations of fact pertaining to the organization of such Authority in accordance with the provisions of Section 4 of this Act.

"Determining Subdivision" means, with respect to an Authority, any Determining County or Determining Municipality.

"Facility" means all or any part of either or both of (i) a Solid Waste Disposal Facility, and (ii) a Resource Recovery Facility, including all land, rights-of-way, property rights, franchise rights, machinery, equipment, vehicles, furniture, fixtures and all other property, rights, easements and interests necessary or desirable in connection therewith.

"Governing Body" means with respect to a Municipality, its city or town council, board of commissioners, or other like governing body exercising the legislative functions of a Municipality and, with respect to a County, its county commission or other like governing body exercising the legislative functions of a County.

"Incorporators" means the persons forming a public corporation pursuant to the provisions of this Act.

“Municipality” means an incorporated municipality in the State.

“Person” means the State, a Municipality, a County or any political subdivision or agency of the State or a County or a Municipality, a public corporation, or any private corporation, individual, partnership, trust or foundation.

“Resource Recovery Facility” shall include any land, building, plant, system, facility, equipment or other property, or any combination of either thereof, used or useful or capable of future use in connection with the extracting, converting to energy, or otherwise separating and preparing Solid Waste for reuse.

“Recovered Resource” means material or energy in any form whatsoever, including but not limited to steam, gas or electricity, which are or may be collected or recovered from or with respect to Solid Waste.

“Revenues” means all rentals, receipts, income and other charges derived or received or to be derived or received by the Authority from any of the following: the operation by the Authority of a Facility or Facilities, or part of either thereof; the sale, including installment sales or conditional sales, lease, sub-lease or use or other disposition of any Facility or portion thereof; the sale, lease or other disposition of Recovered Resources; contracts, agreements or franchises with respect to a Facility (or portion thereof), with respect to Recovered Resources, or with respect to a Facility (or portion thereof) and Recovered Resources, including but not limited to charges with respect to the disposal of Solid Waste received with respect to a Facility, income received as a result of the sale or other disposition of Recovered Resources; any gift or grant received with respect thereto; proceeds of Bonds to the extent of use thereof for payment of principal of, premium, if any, or interest on the Bonds is authorized by the Authority; proceeds from any insurance, condemnation or guaranty pertaining to a Facility or property mortgaged to secure Bonds or pertaining to the financing of a Facility; and income and profit from the investment of the proceeds of Bonds or of any revenues.

“Solid Waste” means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded materials, including solid, liquid, semi-solid or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities.

“Solid Waste Disposal Facility” shall include any land,

building, plant, system, facility, trucks and other motor vehicles, equipment or other property, whether real, personal or mixed, or any combination of either thereof, used or useful or capable of future use in connection with the collection, storage, treatment, utilization, recycling, processing, transporting or disposal of Solid Waste, including transfer stations, incinerators, sanitary landfill facilities or other facilities necessary or desirable in connection therewith.

“State” means the State of Alabama.

Section 3. Use of Phrases. The following provisions shall be applied wherever appropriate herein:

“Herein”, “hereby”, “hereunder”, “hereof”, and other equivalent words refer to this Act as an entirety and not solely to the particular section or portion thereof in which any such word is used.

The definitions set forth in Section 2 hereof shall be deemed to include both singular and plural and to cover all genders.

Section 4. Filing of Application; Authorization of Incorporation by Governing Body of Determining Subdivision. A public corporation may be organized pursuant to the provisions of this Act in any County or Municipality. In order to incorporate such a public corporation, any number of natural persons, not less than three, who are duly qualified electors of the County or the Municipality, shall first file a written application with the Governing Body of such County or Municipality, which application shall:

- (1) Contain a statement that the Applicants propose to incorporate an Authority pursuant to the provisions of this Act;

- (2) State the proposed location of the principal office of the Authority;

- (3) State that each of the Applicants is a duly qualified elector of the County or the Municipality with whose Governing Body such application is filed; and

- (4) Request that the Governing Body of such County or Municipality adopt a resolution declaring that it is wise, expedient, and necessary that the proposed Authority be formed and authorizing the Applicants to proceed to form the proposed Authority by the filing for record of a certificate of incorporation in accordance with the provisions of Section 5 hereof.

Every such application shall be accompanied by such supporting documents or evidence as the Applicants may consider appropriate. As promptly as may be practicable after the filing of

the application with it in accordance with the provisions of this section, the Governing Body of the County or Municipality with which the application was filed shall review the contents of the application, and shall adopt a resolution either (a) denying the application or (b) declaring that it is wise, expedient, and necessary that the proposed Authority be formed and authorizing the Applicants to proceed to form the proposed Authority by the filing for record of a certificate of incorporation in accordance with the provisions of Section 5 hereof. The Governing Body with which the application is filed shall also cause a copy of the application to be spread upon or otherwise made a part of the minutes of the meeting of such Governing Body at which final action upon said application is taken.

Section 5. Procedure to Incorporate; Contents and Execution of Certificate of Incorporation. Within forty (40) days following the adoption of an Authorizing Resolution the Applicants shall proceed to incorporate an Authority by filing for record in the office of the Judge of Probate of the County or one of the Counties in which the Determining Subdivision is located a certificate of incorporation which shall comply in form and substance with the requirements of this section and which shall be in the form and executed in the manner herein provided.

The certificate of incorporation of the Authority shall state:

(1) The names of the persons forming the Authority, and that each of them is a duly qualified elector of the Determining Subdivision;

(2) The name of the Authority (which shall be "The Solid Waste Disposal Authority of the _____ of _____," with the insertion of the name of the Determining Subdivision, unless the Secretary of state shall determine that such name is identical to the name of any other corporation organized under the laws of the State or so nearly similar thereto as to lead to confusion and uncertainty, in which case the Incorporators may insert additional indentifying words so as to eliminate said duplication or similarity);

(3) The period for the duration of the Authority (if the duration is to be perpetual, subject to the provisions of Section 22 hereof, that fact shall be stated);

(4) The name of the Determining Subdivision together with the date on which the Governing Body thereof adopted the Authorizing Resolution;

(5) The location of the principal office of the Authority,

which shall be within the boundaries of the Determining Subdivision;

(6) That the Authority is organized pursuant to the provisions of this Act; and

(7) Any other matters relating to the Authority that the Incorporators may choose to insert and that are not inconsistent with this Act or with the laws of the State.

The certificate of incorporation shall be signed and acknowledged by the Incorporators before an officer authorized by the laws of the State to take acknowledgments to deeds. When the certificate of incorporation is filed for record, there shall be attached to it (a) a copy of the application as filed with the Governing Body of the Determining Subdivision in accordance with the provisions of Section 4 hereof, (b) a certified copy of the Authorizing Resolution adopted by the Governing Body of the Determining Subdivision, and (c) a certificate by the Secretary of State that the name proposed for the Authority is not identical to that of any other corporation organized under the laws of the State or so nearly similar thereto as to lead to confusion and uncertainty. Upon the filing for record of the said certificate of incorporation and the documents required by the preceding sentence to be attached thereto, the Authority shall come into existence and shall constitute a public corporation under the name set forth in said certificate of incorporation. The Judge of Probate shall thereupon send a notice to the Secretary of State that the certificate of incorporation of the Authority has been filed for record.

Section 6. Amendments to Certificates of Incorporation. The certificate of incorporation of any Authority incorporated under the provisions of this Act may at any time and from time to time be amended in the manner provided in this section. The Board shall first adopt a resolution proposing an amendment to the certificate of incorporation which shall set forth in full in the said resolution and which amendment may include any matters which might have been included in the original certificate of incorporation.

After the adoption by the Board of a resolution proposing an amendment to the certificate of incorporation of the Authority, the chairman of the Board and the secretary of the Authority shall sign and file a written application in the name of and on behalf of the Authority, under its seal, with the Governing Body of the Determining Subdivision, requesting such Governing Body to adopt a resolution approving the proposed amendment, and accompanied by a certified copy of the said resolution adopted by the Board proposing the said amendment to the certificate of

incorporation, together with such documents in support of the application as the said chairman may consider appropriate. As promptly as may be practicable after the filing of the said application with the Governing Body of the Determining Subdivision pursuant to the foregoing provisions of this section, that Governing Body shall review the said application and shall adopt a resolution either denying the said application or authorizing the proposed amendment. Such Governing Body shall also cause a copy of the said application and all accompanying documents to be spread upon or otherwise made a part of the minutes of the meeting of said Governing Body at which final action upon the said application is taken.

Within forty (40) days following the adoption by the Governing Body of the Determining Subdivision of a resolution approving the proposed amendment the chairman of the Board of the Authority and the secretary of the Authority shall sign, and file for record in the office of the Judge of Probate with which the certificate of incorporation of the Authority was originally filed a certificate in the name of and in behalf of the Authority, under its seal, reciting the adoption of said respective resolutions by the Board and by the said Governing Body and setting forth the said proposed amendment. The Judge of Probate for such County shall thereupon record said certificate in an appropriate book in his office. When such certificate has been so filed and recorded, such amendment shall become effective, and the certificate of incorporation shall thereupon be amended to the extent provided in the amendment. No certificate of incorporation of an Authority shall be amended except in the manner provided in this section.

Section 7. Board of Directors. Each Authority shall be governed by a board of directors. All powers of the Authority shall be exercised by the Board or pursuant to its authorization. The Board shall consist of three Directors who shall be elected by the Governing Body of the Determining Subdivision for staggered terms as hereinafter provided. The Governing Body of the Determining Subdivision shall specify for which term each Director is elected. The initial term of office of one Director shall begin immediately upon his election and shall end at 12:01 o'clock, A.M., on January 1 of the first succeeding odd-numbered calendar year following his election. The initial term of office of another Director shall begin immediately upon his election and shall end at 12:01 o'clock, A.M., on January 1 of the second succeeding odd-numbered calendar year following his election. The initial term of the remaining Director shall begin immediately upon his election and shall end at 12:00 o'clock, A.M., on January 1 of the third succeeding odd-numbered calendar year following his election.

Thereafter, the term of office of each such Director shall be four years. If at the expiration of any term of office of any Director, a successor thereto shall not have been elected, then the Director whose term of office shall have expired shall continue to hold office until his successor shall be so elected. If at any time there should be a vacancy on the Board, a successor Director to serve for the unexpired term applicable to such vacancy shall be elected by the Governing Body of the Determining Subdivision. Any officer of the Determining Subdivision shall be eligible for appointment and may serve as a member of the Board for the term for which he is appointed or during his tenure as a municipal officer, whichever expires first, but he shall not receive a fee for his services; provided, however, that at no time shall the Board consist of more than one officer of the Determining Subdivision. Each Director must be a duly qualified elector of the Determining Subdivision. Directors shall be eligible for re-election. Each Director shall be reimbursed for expenses actually incurred by him in and about the performance of his duties. Any Director of the Authority may be impeached and removed from office in the same manner and on the same grounds provided in Section 175 of the Constitution of Alabama and the general laws of the state for impeachment and removal of the officers mentioned in Section 175.

Section 8. Officers of the Authority. The officers of an Authority shall consist of a chairman, a vice-chairman, a secretary, a treasurer and such other officers as its Board shall deem necessary or appropriate. The offices of secretary and treasurer may but need not be held by the same person. The chairman and vice chairman of an Authority shall be elected by the Board from the membership thereof; the secretary, the treasurer, and any other officers of the Authority may but need not be members of the Board and shall also be elected by the Board. The chairman, vice-chairman and secretary of the Authority shall also be the chairman, vice chairman and secretary of the Board, respectively.

Section 9. Powers of Authority. (a) Every Authority shall have all of the powers necessary and convenient to carry out and effectuate the purposes and provisions of this Act, including (without limiting the generality of the foregoing) the following powers:

- (1) to have succession in its corporate name for the duration of time (which may be in perpetuity, subject to the provisions of Section 22 hereof) specified in its certificate of incorporation;
- (2) to sue and be sued in its own name in civil suits and actions and to defend suit against it;

(3) to adopt and make use of a corporate seal and to alter the same at pleasure;

(4) to adopt, alter and repeal bylaws, regulations and rules, not inconsistent with the provisions of this Act, for the regulation and conduct of its affairs and business;

(5) to acquire, whether by gift, purchase, transfer, foreclosure, lease or otherwise, to construct and to expand, improve, operate, maintain, equip and furnish one or more Facilities, including all real and personal properties that its Board may deem necessary in connection therewith, regardless of whether or not any such Facility shall then be in existence and, if in existence, regardless of whether or not any such Facility is then owned or leased by any Person to which such Facility may subsequently be sold or leased by such Authority;

(6) to borrow money and to sell and issue Bonds as hereinafter provided for any corporate use or purpose;

(7) to lease to any Person or Persons all or any part of any Facility or Facilities that are or are to be owned by it, to charge and collect rent therefor and to terminate any such lease upon the failure of the lessee to comply with any of the obligations thereof, all upon such terms and conditions as its Board may deem advisable;

(8) to contract to sell, convey or dispose of and to sell, convey or dispose of all or any part of any Recovered Resource Facility, and to contract to sell, convey or dispose of and to sell, convey or dispose of all or any part of any Recovered Resources (including but not limited to the granting of options to purchase any Recovered Resources to any Person), all for such consideration and upon such terms and conditions as its Board may deem advisable;

(9) to enter into a contract or contracts with any Person or Persons granting to such Person or Persons the exclusive right to purchase or acquire from the Authority any Recovered Resources or rights to Recovered Resources for such period as its Board may deem advisable.

(10) to pledge for payment of any Bonds issued or assumed by the Authority any Revenues from which such Bonds are payable as herein provided, and to mortgage or pledge any or all of its Facilities and Revenues or any part or parts thereof, whether then owned or received or thereafter acquired or received;

(11) to assume obligations secured by a lien on or secured by and payable out of or secured by a pledge of any Facility or Facilities or part thereof or the Revenues derived from any Facility

or Facilities that may be acquired by the Authority;

(12) to make, enter into, and execute such contracts, agreements, leases and other instruments and to take such other actions as may be necessary or convenient to accomplish any purpose for which such Authority was organized or to exercise any power expressly granted hereunder;

(13) to enter into contracts with, to accept aid, loans and grants from, to cooperate with, and to do any and all things not specifically prohibited by this Act or other applicable laws of the State that may be necessary in order to avail itself of the aid and cooperation of the United States of America, the State or any agency, instrumentality or political subdivision of either thereof in furtherance of the purposes of this Act;

(14) to receive and accept from any source aid or contributions in the form of money, property, labor or other things of value, to be held, used and applied to carry out the purposes of this Act, subject to any lawful condition upon which such aid or contributions may be given or made;

(15) to appoint, employ and contract with such employees and agents, including but not limited to architects, engineers, attorneys, accountants, financial experts, fiscal agents, and such other advisors, consultants and agents as may in its judgment be necessary or desirable, and to fix their compensation;

(16) to enter into a management contract or contracts with any Municipality, any County, or any Person or Persons for the management, supervision or operation of all or any part of its Facilities as may in the judgment of such Authority be necessary or desirable in order to perform more efficiently or economically any function for which it may become responsible in the exercise of the powers conferred upon it by this Act.

(17) to procure insurance against any loss in connection with its property and other assets in such amounts and from such insurers as its Board may deem desirable;

(18) to invest its moneys (including, without limitation, (i) the moneys held in any special fund created pursuant to any trust indenture or agreement or resolution securing any of its Bonds and (ii) proceeds from the sale of any bonds or notes) not required for immediate use in (i) any debt securities that are direct, general obligations of the United States of America, (ii) any debt securities, the payment of the principal of and interest on which is unconditionally guaranteed by the United States of America; (iii) any time deposit with, or any certificate of deposit issued by, any

bank which is organized under the laws of the United States of America or any state thereof and deposits in which are insured by the Federal Deposit Insurance Corporation or any department, agency or instrumentality of the United States of America that they may succeed to the functions of such corporation; and (iv) any debt obligation in which an insurance company organized under the laws of the State may legally invest its money at the time of investment by an Authority.

(19) to procure or agree to the procurement of insurance or guarantees from the United States of America or any agency or instrumentality thereof, or from any private insurance company, of the payment of any Bonds issued by such Authority, and to pay premiums or fees for any such insurance or guarantees; and

(20) to do any and all things necessary or convenient to carry out its purposes and to exercise its powers pursuant to the provisions of this Act.

(b) Any Facility or Facilities of an Authority organized pursuant to determination by a Determining Municipality may be located within or without or partially within and partially without the Determining Municipality, subject to the following conditions:

(1) No such Facility or part thereof shall be located more than 30 miles from the corporate limits of the Determining Municipality;

(2) No such Facility or part thereof shall be located within the corporate limits of a Municipality other than the Determining Municipality in this State;

(3) No such Facility or part thereof shall be located within the police jurisdiction of another Municipality in this State unless the Governing Body of such Municipality has first adopted a Resolution consenting to the location of such Facility or part thereof in the police jurisdiction of such Municipality; and

(4) No such Facility or part thereof shall be located in a County other than that (or those) in which the Determining Municipality (or part thereof) is situated unless the governing body of such other County has first adopted a Resolution consenting to the location of such Facility or part thereof in such County.

(c) Any Facility or Facilities of an Authority organized pursuant to determination by a Determining County may be located within or without or partially within and partially without the Determining County, subject to the following conditions:

(1) No part of a Facility shall be located more than three miles

outside the boundaries of the Determining County;

(2) In no event shall any Facility or part thereof be located within the corporate limits of a Municipality unless the Governing Body of such Municipality has first adopted a Resolution consenting to the location of such Facility or part thereof in such Municipality; and

(3) No such project or part thereof shall be located in a County other than the Determining County unless the Governing Body of such other County has first adopted a Resolution consenting to the location of a part of such Facility in such other County.

Section 10. Bonds of the Authority. Any Authority shall have the power to issue, sell and deliver at any time and from time to time its Bonds in such principal amount or amounts as its Board shall determine to be necessary to provide funds

(A) to finance the Costs of a Facility or Facilities;

(B) to refund Bonds theretofore issued or assumed by the Authority;

(C) to provide funds to enable it to achieve any of its other corporate purposes; or

(D) to accomplish any one or more of the objectives referred to in the preceding clauses (A) through (C).

Any such Bonds may be executed and delivered by the Authority at any time and from time to time, may be in such form and denominations and of such tenor and maturities, may be in registered or bearer form either as to principal or interest or both, may be payable in such installments and at such time or times, not exceeding forty-five (45) years from the date thereof, may be payable at such place or places whether within or without the state of Alabama, may bear interest at such rate or rates payable at such time or times and at such place or places and evidenced in such manner, and may contain such provisions not inconsistent with this Act as shall be provided in the proceedings of the Board whereunder such Bonds shall be authorized to be issued. If such action shall be deemed advisable by the Board, there may be retained in the proceedings under which any of such Bonds are authorized to be issued an option to redeem all or any part thereof as may be specified in such proceedings, at such price or prices and after such notice or notices and on such terms and conditions as may be set forth in such proceedings and as may be briefly recited in the face of such Bonds, but nothing contained in this section shall be construed to confer on the Authority any right or option to redeem

any such Bonds except as may be provided in the proceedings under which they shall be issued.

All Bonds issued by the Authority shall be signed by the chairman of its Board or other chief executive officer and attested by its secretary and the seal of the Authority shall be affixed thereto, and any interest coupons applicable to the Bonds of the Authority shall be signed by the chairman of its Board or other chief executive officer; provided, that a facsimile of the signature of one, but not both of said officers, may be printed or otherwise reproduced on such Bonds in lieu of a manual signature thereon, a facsimile of the seal of the Authority may be printed or otherwise reproduced on any such Bonds in lieu of being manually affixed thereto, and a facsimile of the signature of the chairman of its Board or other chief executive officer may be printed or otherwise reproduced on any such interest coupons in lieu of a manual signature thereon.

Prior to the preparation of definitive Bonds, the Authority may issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive Bonds when such Bonds shall have been executed and are available for delivery. The Authority may also provide for the replacement of any Bonds which shall become mutilated or shall be destroyed or lost.

All obligations created or assumed and all Bonds issued or assumed by the Authority shall be solely and exclusively an obligation of the Authority and shall not create an obligation or debt of the State, the Determining Subdivision, any County or Municipality; provided, that the provisions of this paragraph shall not be construed to release the original obligor from liability on any Bond or other obligation assumed by the Authority.

Section 11. Security for Payment of Bonds; Contracts and Agreements to Secure. Any Bonds issued by the Authority shall be revenue bonds and shall be payable solely out of such Revenues of the Authority as may be designated in the proceedings of the Board under which they shall be authorized to be issued. Any such proceedings may provide that the Bonds therein authorized shall be payable solely out of the Revenues derived from the operation of any Facility or Facilities owned by the Authority, regardless of the fact that those Bonds may have been issued with respect to or for the benefit of a certain Facility or Facilities of the Authority.

As security for payment of the principal and interest on any Bonds issued or assumed by it, any Authority may enter into a contract or contracts, adopt resolutions or other proceedings containing provisions constituting a part of the contract or

contracts with the holders of such Bonds, pertaining to, among other things, the following:

(1) pledging all or any part of the Revenues of such Authority to secure the payment of such Bonds;

(2) pledging, assigning or mortgaging all or any part of the assets of such Authority to secure the payment of such Bonds;

(3) the creation of reserve, sinking or other funds and the regulation and disposition thereof;

(4) the issuance of additional Bonds;

(5) binding the Authority to impose and collect reasonable rates for and the imposition of reasonable regulations respecting any service rendered from or with respect to any Facility or Facilities;

(6) the procedure, if any, by which the terms of any contract with the holders of such Bonds may be amended or abrogated, the amount of Bonds the holders of which must consent thereto and the manner in which such consent may be given;

(7) limitations on the amount of moneys to be expended by such Authority for its operating expenses;

(8) vesting in a trustee or trustees such property, rights, powers and duties as such Authority may determine;

(9) defining the acts or omissions to act that shall constitute a default in the performance of the obligations and duties of such Authority to the holders of such Bonds and providing for the rights and remedies of such holders in the event of such default; provided, however, that such rights and remedies shall not be inconsistent with the general laws of the State and the other provisions of this Act; and

(10) any other matters, of like or different character, which in any way affect the security or protection of the holders of such Bonds.

Any mortgage of property granted by any Authority, any security interest in property created by it, or any assignment or pledge of revenues or contract rights made by it, in each case to secure the payment of its Bonds, shall be valid and binding from the time when such mortgage is granted, such security interest created, or such assignment or pledge is made, as the case may be, and the property so mortgaged, the property with respect to which such security interest is so created, and the revenues and contract rights so assigned or pledged shall immediately (or as soon

thereafter as such Authority obtains any right thereto or interest therein) be subject to such mortgage, security interest, assignment or pledge, as the case may be, without physical delivery of any property, revenues or contract documents covered thereby or any further act, and the lien of any such mortgage, security interest, assignment or pledge shall be valid and binding as against all persons having claims of any kind in tort, contract or otherwise against such Authority, irrespective of whether such persons have actual notice thereof, from the time notice of such mortgage, security interest, assignment or pledge is filed for record (i) in the office of the Judge of Probate in which the certificate of incorporation of such Authority was filed for record and (ii) in the case of any mortgage or security interest covering any tangible property, whether real, personal or mixed, in the office of the Judge of Probate of the County in which such property is or is to be located pursuant to any agreement made by such Authority with any Person respecting the location and use of such property. Such notice shall contain a statement of the existence of any such mortgage, security interest, assignment or pledge, as the case may be, a description of the property, revenues or contract rights subject thereto and a description of the Bonds secured thereby, all in terms sufficient to give notice to a reasonably prudent person of the existence and effect of any such mortgage, security interest, assignment or pledge. If the requirements of the preceding sentence are met, such notice may consist of (i) a summary statement prepared specially for the purpose of serving as such notice, (ii) an executed counterpart of any mortgage, security agreement, assignment, trust indenture or other instrument granting such mortgage, creating such security interest or making such assignment or pledge, as the case may be, or (iii) a certified copy of the resolution adopted by the Board of such Authority authorizing such mortgage, security interest, assignment or pledge, as the case may be.

Section 12. Proceeds from the Sale of Bonds. All moneys derived from the sale of any Bonds issued by an Authority shall be used solely for the purpose or purposes for which the same are authorized; provided, however, that if for any reason any part of such proceeds shall not be necessary for such purposes then such unexpended part of such proceeds shall be applied to the payment of the principal of or interest on the said Bonds. All accrued interest and premium received in any such sale shall be applied to the payment of interest or principal on the Bonds sold.

Section 13. Refunding Bonds. Any Bonds issued or assumed by an Authority may from time to time be refunded by the issuance, by sale or exchange, of refunding Bonds payable from the

same or different sources for the purpose of paying all or any part of the principal of the Bonds to be refunded, any redemption premium required to be paid as a condition to the redemption prior to maturity of any such Bonds that are to be so redeemed in connection with such refunding, any accrued and unpaid interest on the Bonds to be refunded, any interest to accrue on each Bond to be refunded to the date on which it is to be paid, whether at maturity or by redemption prior to maturity, and the expenses incurred in connection with such refunding; provided, that unless duly called for redemption pursuant to provisions contained therein, the holders of any such Bonds then outstanding and proposed to be refunded shall not be compelled without their consent to surrender their outstanding Bonds for such refunding. Any refunding Bonds may be sold by the Authority at public or private sale at such price or prices as may be determined by its Board to be most advantageous, or may be exchanged for the Bonds or other obligations to be refunded. Any such refunding Bonds may be executed and delivered by the Authority at any time and from time to time, shall be in such form and denominations and have such tenor and maturities, shall contain such provisions not inconsistent with the provisions of this Act, and shall bear such rates or rates of interest, payable and evidenced in such manner, as may be provided by resolution of its Board.

Any refunding Bonds issued by an Authority shall be issued and may be secured in accordance with the provisions of Sections 10 and 11 of this Act.

Section 14. Freedom of Authority from State Supervision and Control. This Act is intended to aid the State through the furtherance of the purposes of the Act by providing appropriate and independent instrumentalities with full and adequate powers to fulfill their functions. Except as expressly provided in this Act, no proceeding, notice or approval shall be required for the incorporation of any Authority or the amendment of its certificate of incorporation, the purchase of any note or other instrument secured by a mortgage, deed of trust, note or other security interest, the issuance of any Bonds, the execution of any mortgage and deed of trust or trust indenture, or the exercise of any other of its powers by an Authority. Neither a public hearing nor the consent of the State Department of Finance or any other department, agency, bureau, board or corporation of the State shall be prerequisite to the issuance of Bonds by an Authority.

To the extent that Section 22-27-5 of the Code of Alabama 1975, as amended, might in any way be applicable to the actions of the Authority, the said Section is hereby declared to be inapplicable,

including particularly the provisions of the said Section providing for the cancellation of contracts of Counties and Municipalities, and individuals, corporations, partnerships or other agencies engaging in the collection and disposal of Solid Waste. Each Authority shall, however, be subject to the provisions of Article 1 of Chapter 27 of Title 22 of the Code of Alabama of 1975 (other than the provisions of the said Section 22-27-5) respecting sanitary requirements in the disposal of Solid Waste.

Section 15. Power of Eminent Domain. Each Authority organized under the provisions of the Act is hereby granted the power of eminent domain and may exercise such power in the manner provided by law for the purpose of obtaining real property for any Facility or part thereof.

Section 16. Cooperation; Aid from Other Bodies; Agreements. For the purpose of attaining the objectives of this Act, any County, Municipality or other political subdivision, public corporation, agency or instrumentality of the State, a County or Municipality may, upon such terms and with or without consideration, as it may determine, do any or all of the following: (i) lend or donate money to any Authority or perform services for the benefit thereof; (ii) donate, sell, convey, transfer, lease or grant to any Authority, without the necessity of authorization at any election of qualified voters, any property of any kind; and (iii) do any and all things, whether or not specifically authorized in this Section 16, not otherwise prohibited by law, that are necessary or convenient to aid and cooperate with any Authority in attaining the objectives of this Act.

Any County, Municipality or other political subdivision, public cooperation, agency or instrumentality of the State, a County or Municipality are each hereby specifically authorized to enter into a contract or contracts obligating any such entity to dispose of its Solid Waste, or any part thereof, at a Facility or Facilities owned or operated by such Authority and obligating such County, Municipality or other political subdivision, public corporation, agency or instrumentality of the State, a County or Municipality to make payments to such Authority for such disposal. The terms, provisions and conditions of any such contract or contracts shall be such as a governing body of any such County, Municipality or political subdivision, public corporation, agency or instrumentality of the State, a County or Municipality deems appropriate. Any such contract or contracts may provide for the continuous disposal of such Solid Waste from year to year, but for a term not to exceed forty-five (45) years. Any costs to any such County, Municipality or other political subdivision, public corporation, agency or

instrumentality of the State, a County or Municipality shall be paid annually out of the general operating funds of any such County, Municipality or other political subdivision, public corporation, agency or instrumentality of the State or any County or Municipality, and the entering into of such contract or contracts shall not constitute the incurring of a debt by such County, Municipality or other political subdivision, public corporation, agency or instrumentality of the State or any County or Municipality within the meaning of any constitutional or statutory limitations on debts of the State, the Counties or the Municipalities.

Section 17. Exemption from Taxation. The property and income of any Authority, all Bonds issued by an Authority, the income from such Bonds, conveyances by or to an Authority, and leases, mortgages and deeds of trust or trust indentures by or to an Authority shall be exempt from all taxation in the State of Alabama. Any Authority shall be exempt from all taxes levied by any County, Municipality, or other political subdivision of the State, including, but without limitation to, license and excise taxes imposed in respect of the privilege of engaging in any of the activities in which an Attorney may engage. An Authority shall not be obligated to pay or allow any fees, taxes or costs to the Judge of Probate of any County in respect of its incorporation, the amendment of its certificate of incorporation, or the recording of any document.

Section 18. Exemption from Usury and Interest Laws. Each Authority shall be exempt from the laws of the State of Alabama governing usury or prescribing or limiting interest rates, including, but without limitation to, the provisions of Chapter 8 of Title 8 of the Code of Alabama of 1975, as it may at any time be amended.

Section 19. Exemption from Competitive Bid Laws. Any Authority and all contracts made by it shall be exempt from the laws of the State of Alabama requiring competitive bids for any contract to be entered into by municipalities or public corporations authorized by them, including, but without limitation to, the provisions of Article 3 of Chapter 16 of Title 41 of the Code of Alabama of 1975, as it may at any time be amended.

Section 20. Earnings of an Authority. An Authority shall be a nonprofit corporation and no part of its net earnings remaining after payment of its expenses shall inure to the benefit of any individual, firm or corporation, except that in the event a Board shall determine that sufficient provision has been made for the full payment of the expenses, Bonds and other obligations of an Authority, then any net earnings of an Authority thereafter

accruing shall be paid to its Determining Subdivision.

Section 21. Legal Investments. The Bonds of any Authority shall be legal investments in which the State and its agencies and instrumentalities, all Counties, Municipalities and other political subdivisions of the State and public corporations organized under the laws thereof, all insurance companies and associations and other persons carrying on an insurance business, all banks, savings banks, savings and loan associations, trust companies, credit unions and investment companies of any kind, all administrators, guardians, executors, trustees and other fiduciaries, and all other persons whatsoever who are now or may hereafter be authorized to invest in bonds or other obligations of the State, may properly and legally invest funds in their control or belonging to them.

Section 22. Dissolution of the Corporation and Vesting of Title to Property in Determining Subdivision. At any time when an Authority has no Bonds or other obligations outstanding, its Board may adopt a resolution, which shall be duly entered upon its minutes, declaring that the Authority shall be dissolved. Upon filing for record of a certified copy of the said resolution in the office of the Judge of Probate with which the Authority's certificate of incorporation is filed, the Authority shall thereupon stand dissolved and in the event it owned any property at the time of its dissolution, the title to all its properties shall thereupon pass to the Determining Subdivision.

Section 23. Existence of an Authority Not to Prevent Incorporation of Another by the Same Determining Subdivision. The existence of an Authority incorporated under the provisions of this Act shall not prevent the subsequent incorporation hereunder of another Authority pursuant to authority granted by the same Determining Subdivision.

Section 24. Notice of Bond Resolution. Upon the adoption by the Board of any Authority of any resolution providing for the issuance of Bonds, such Authority may, in the discretion of its Board, cause a notice respecting the issuance of such Bonds to be published once a week for two consecutive weeks in each County in which shall be located any Facility financed or in any way assisted by the issuance of such Bonds, such publication in each such County to be in a newspaper having general circulation therein. Such notice shall be in substantially the following form (the blanks being properly filled in) at the end of which shall be printed the name and title of either the chairman or secretary of such Authority: "_____
_____, a public corporation and instrumentality of the State of Alabama, on the ____ day of _____, authorized the issuance of \$_____

principal amount of bonds (or notes, as the case may be) of the said public corporation for purposes authorized in the act of the Legislature of Alabama under which the said public corporation was organized. Any action or proceeding questioning or contesting the validity of the said Bonds, or the instruments securing the same, or the proceedings authorizing the same, must be commenced on or before _____ (here insert date determined in accordance with the provisions of the next paragraph of this section)."

The date stated in such notice as the date on or before which any action or proceeding questioning or contesting the validity of the bonds referred to therein must be commenced shall be a date at least thirty (30) days after the date on which occurs the last publication of such notice necessary for it to have been published at least once in all counties in which it is required to be published. Any action or proceeding in any court to set aside or question the proceedings for the issuance of the Bonds referred to in such notice or to contest the validity of any such Bonds, or the validity of any instruments securing the same, must be commenced on or before the date determined in accordance with the preceding sentence and stated in such notice as the date on or before which any such action or proceeding must be commenced. After such date no right of action or defense shall be asserted questioning or contesting the validity of such Bonds, or the instruments securing the same, or the proceedings authorizing the same, nor shall the validity of such Bonds or such instruments or proceedings be open to question in any court on any ground whatsoever, except in an action or proceeding commenced on or before such date.

Section 25. Provisions are Cumulative. The provisions of this Act are cumulative and shall not be deemed to repeal existing laws, except to the extent such laws are clearly inconsistent with provisions of this Act.

Section 26. Liberal Construction. This Act being remedial in nature, the provisions of this Act shall be liberally construed to effect its purpose.

Section 27. Severability. In the event any section, sentence, clause or portion of this Act should be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any of the remaining sections, sentences, clauses or portions of this Act, which shall continue effective.

Section 28. Effective Date of Act. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 29, 1980

Time: 3:30 P.M.

Act No. 80-279

H. 751—Adams (H)

AN ACT

To amend Section 2 and Section 10 of Act No. 79-787, H. 1057, of the 1979 Regular Session, which relate to an increase in sales tax for Cherokee County, so as to provide that one-half of the tax proceeds shall go to the county and one-half to the county board of education; to provide that the tax on retail sales of automotive vehicles, trucks, trailers, semi-trailers or house trailers, and on machinery or equipment used for agricultural purposes shall be one-fourth of one percent; and to make this Act retroactive.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 and Section 10 of Act No. 79-787, H. 1057, of the Regular Session 1979, are hereby amended to read as follows:

“Section 2. Authorization of Levy of Sales Tax. The governing body of the county is hereby authorized to levy and impose in the county, in addition to all other taxes of every kind now imposed by law, and to collect as herein provided, a privilege or license tax on account of the business activities and in the amount to be determined by the application of rates against gross sales or gross receipts, as the case may be, as follows:

“(a) Upon every person, firm or corporation (including the State of Alabama, the University of Alabama, Auburn University and all other institutions of higher learning in the state, whether such institutions be denominational, state, county or municipal institutions, any association or other agency or instrumentality of such institutions) engaged or continuing within the county in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character (not including, however, bonds or other evidences of debts or stock, nor sales of material and supplies to any person for use in fulfilling a contract for the painting, repair or reconditioning of vessels, ships and other watercraft of over 50 tons burden) an amount not exceeding one percent of the gross proceeds of sales of the business, except where a different amount is expressly provided herein; provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not

so kept he shall pay the tax as a retailer, on the gross sales of the business; and provided further, that where any used part of an automotive vehicle or a truck trailer, semitrailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or rebuilt part, the tax authorized to be levied herein shall be paid on the net difference, that is, the price of the new or used part sold less the credit for the used part taken in trade, provided, however, that this provision shall not be construed to include tires or batteries;

“(b) upon every person, firm or corporation engaged or continuing within the county in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theatres, opera houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games (including athletic contests conducted by or under the auspices of any educational institution within this state, or any athletic association thereof, or other association whether such institution or association be denominational, a state, county, or a municipal institution or association or a state, county or city school, or other institution, association, or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement, or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description within the county, an amount not exceeding one percent of the gross receipts of any such business;

“(c) upon every person, firm or corporation engaged or continuing within the county in the business of selling at retail machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property an amount not exceeding one-half of one percent of the gross proceeds of the sale of such machines; provided that the term “machine” as herein used shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used;

“(d) upon every person, firm or corporation engaged or continuing within the county in the business of selling at retail any automotive vehicle, truck, trailer, semi-trailer or house trailer, an amount not exceeding one-fourth of one percent of the gross

proceeds of sale of said automotive vehicle, truck, trailer, semi-trailer or house trailer; provided, however, where a person subject to the tax provided for in this subsection withdraws from his stock in trade any automotive vehicle or truck, trailer, semi-trailer or house trailer for use by him or his employee or agent in the operation of such business, there shall be paid, in lieu of the tax authorized to be levied herein, a fee of one dollar and twenty-five cents (\$1.25) per year or part thereof during which such automotive vehicle, truck, trailer, semi-trailer or house trailer shall remain the property of such person; provided, that each such year or part thereof shall be deemed to begin with the day or anniversary date, as the case may be, of such withdrawal and shall run for the twelve succeeding months or part thereof during which such automotive vehicle, truck, trailer, semi-trailer or house trailer shall remain the property of such person; and provided further, that where any used automotive vehicle, truck, trailer, semi-trailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax authorized to be levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade;

(e) Upon every person, firm or corporation engaged or continuing within the county in the business of selling at retail any machine, machinery or equipment which is used in planting, cultivating and harvesting farm products, or used in connection with the production of agricultural produce or produce, livestock or poultry on farms, and the parts of such machines, machinery or equipment, attachments and replacements therefor which are made or manufactured for use on or in the operation of such machine, machinery or equipment, and which are necessary to and customarily used in the operation of such machine, machinery or equipment, an amount equal to one-fourth percent ($\frac{1}{4}\%$) of the gross proceeds of the sale thereof. Provided, however, the one-fourth ($\frac{1}{4}\%$) rate herein prescribed with respect to parts, attachments, and replacements shall not apply to any automotive vehicle or trailer designed primarily for public highway use, except farm trailers used primarily in the production and harvesting of agricultural commodities.

“Where any used machine, machinery or equipment which is used in planting, cultivating, and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock and poultry on farms is taken in trade or in a series of trades as a credit or part payment on a sale of a new or used machine, machinery or equipment, the tax levied herein shall be paid on the net difference, that is, the price of the new or used

machine, machinery or equipment sold, less the credit for the used machine, machinery or equipment taken in trade; and

“(f) upon every person, firm or corporation engaged or continuing within the county in the business of selling, through coin-operated dispensing machines, food and food products for human consumption, not including beverages other than coffee, milk, milk products and substitutes therefor, an amount not exceeding one-half of one percent of the cost of such food, food products and beverages sold through such machines, which cost for the purpose of this subsection (f) shall be the gross proceeds of sales of such business.

“There are exempted, however, from the provisions of this section and from the computation of the amount of the taxes authorized to be imposed in this section, the gross receipts of any business and the gross proceeds of all sales which are presently exempted under the State Sales Tax Statutes from the computation of the amount of the State Sales Tax.”

“Section 10. Use of Tax Proceeds. The proceeds of any taxes herein authorized to be levied shall be paid over by the county within ten (10) days after their receipt as follows:

“(a) Fifty percent (50%) of said proceeds shall be paid over to the County Board of Education.

“(b) The remaining fifty percent (50%) of said proceeds shall be paid over to the general fund of the county and used and applied for general purposes.”

Section 2. The operation of this act shall be retroactive to July 18, 1979, and all actions taken and payments made pursuant thereto on and after that date are ratified and confirmed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 29, 1980

Time: 3:30 P.M.

Act No. 80-280

S. 459—Teague

AN ACT

Relating to St. Clair County; providing for the hiring of certain personnel in the office of the sheriff in said county and prescribing salaries for such personnel.

Be It Enacted by the Legislature of Alabama:

Section 1. All laws to the contrary notwithstanding, the sheriff of St. Clair County is hereby authorized to employ at his discretion the following personnel:

(a) 1 chief deputy who shall be paid not less than \$1,100 per month;

(b) 1 under sheriff who shall be paid not less than \$1,050 per month;

(c) 1 sergeant who shall be paid not less than \$1,025 per month; and

(d) 9 deputies each of whom shall be paid a salary of not less than \$1,000 per month; provided, however, that as of October 1, 1980, said sheriff is hereby authorized to employ up to 14 deputies, each of whom shall receive a salary of not less than \$1,000 per month.

Section 2. All personnel in the office of the sheriff of St. Clair County who are employed pursuant to section 1 of this act, shall be entitled to receive any cost of living raises which become effective on October 1, 1980 for other employees of St. Clair County.

Section 3. All salaries provided for in this Act shall be paid from county funds, and no state funds shall be expended for the purposes set forth in this Act.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 29, 1980

Time: 4:50 P.M.

Act No. 80-281

S.J.R. 9—Callahan, Barron, Harrison and
Taylor

SENATE JOINT RESOLUTION

WHEREAS, millions of abortions have been performed in the United States since the decision on abortions by the United States Supreme Court on January 22, 1973, and

WHEREAS, the Congress of the United States has not proposed to date a "human life amendment" to the Constitution of the United States.

NOW THEREFORE:

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that the Legislature of Alabama, 1980 Regular Session, applies to the Congress of the United States to call a convention for the sole and exclusive purpose of proposing an amendment to the Constitution that would protect the lives of all human beings including unborn children at every stage of their biological development and providing that neither the United States nor any state shall deprive any human being, from the moment of fertilization, of the right to life without due process of law, nor shall any state deny any human being, from the moment of fertilization, the equal protection of the laws, except where pregnancy results from rape or incest; or where abortion is necessary to save the life of the mother; or where testing revealed abnormality or deformity of the fetus.

BE IT FURTHER RESOLVED, that this application shall constitute a continuing application for such a convention pursuant to Article V of the Constitution of the United States until such time as the Legislatures of two-thirds of the States shall have made like applications and such convention shall have been called by the Congress of the United States.

BE IT FURTHER RESOLVED, that copies of this concurrent resolution be presented to the President of the Senate of the United States, the Secretary of the Senate of the United States, the Speaker of the House of Representatives of the United States, and to each member of the Congress from Alabama attesting the adoption of this concurrent resolution by the 1980 Regular Session of the Legislature of the State of Alabama.

Approved May 1, 1980

Time: 2:30 P.M.

Act No. 80-282

S.J.R. 138—Little and Higginbotham

SENATE JOINT RESOLUTION

HONORING DR. HARRY MELVIN PHILPOTT FOR DISTINGUISHED SERVICE AS PRESIDENT OF AUBURN UNIVERSITY.

WHEREAS, a native of Bassett, Virginia, Harry Melvin Philpott was educated in the public school of Lexington, North Carolina, received his A.B. Degree, graduating Cum Laude, from Washington and Lee University, and earned his Ph.D. Degree from Yale University in 1947; he additionally has been awarded honorary degrees by Stetson University, Washington and Lee, the Universities of Florida and Alabama, and by Samford University; and

WHEREAS, designated an Honorary Alumnus of the University of Florida, he also has been named Alabama Educator of the Year by Kappa Phi Kappa and Citizen of the Year by the Alabama Broadcasters Association; he is a member of the Alabama Academy of Honor, the Alabama District Exchange Court of Honor and, in 1972, was awarded a prestigious Danforth Short Term Leave Grant to travel extensively in the Orient; and

WHEREAS, Dr. Philpott is a member of numerous professional fraternities and honor societies and, throughout his career, has been deeply involved in other professional activities, serving in various capacities of leadership on statewide, regional and national levels, including the presidency in 1976-77 of the National Association of State Universities and Land-Grant Colleges, a signal honor indeed; and

WHEREAS, Dr. Harry Philpott, however, has most prominently contributed to the State of Alabama and its citizens through his long tenure, since 1965, as the beloved President of Auburn University, following professional association with Washington and Lee, Stephens College and the University of Florida; and

WHEREAS, in the past fifteen years, Auburn's total operational budget has more than tripled, its permanent endowment fund has increased some six-fold and organized research has increased in value more than \$10 million; the building program has expanded to include a Montgomery campus, 28 new buildings and five major additions on the main campus, with the acquisition of more than 3,000 acres of land for the programs of the Agricultural Experiment Station; and

WHEREAS, enrollment at Auburn has increased to a total of 22,500 students, more than 18,000 of which are on the main campus at Auburn, the largest by far in the State of Alabama; and

WHEREAS, as an able leader, dedicated to the continuing improvement of higher education, Dr. Philpott has directed Auburn University, with its fully accredited instructional

program, to become totally responsive to the needs of our state and the entire Southeastern region; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in tribute to his life-long dedication to higher education and in deep gratitude for devoted service to Auburn University, we hereby most highly praise and commend Dr. Harry Melvin Philpott.

BE IT FURTHER RESOLVED, That Dr. Philpott receive a copy of this resolution, bestowed in acclaim and as an expression of the high regard in which he is held by the Alabama Legislature.

Approved May 1, 1980

Time: 1:45 P.M.

Act No. 80-283 S.J.R. 139—Little, Harrison, Barron, Bailey, Britnell, Callahan, Clemon, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullledge, Hall, Higginbotham, Holmes, Keener, Kirkland, Lemaster, McDonald, Martin, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, Smith, St. John, Taylor, Teague, Vacca, Weeks and White

SENATE JOINT RESOLUTION

COMMENDING DR. HARRY FUNDERBUNK ON HIS SELECTION TO LEAD AUBURN UNIVERSITY AS ITS TWENTIETH PRESIDENT.

WHEREAS, in pleased concurrence, the Legislature of Alabama notes the selection of Dr. Hanly Funderbunk as President of Auburn University, succeeding Dr. Harry Philpott who is retiring; and

WHEREAS, a native of Carrollton in Pickens County, Alabama, Dr. Funderburk holds a B.S. degree in agricultural science and a Master's degree in botany, both of which he earned at Auburn University, and a Doctorate from Louisiana State University; and

WHEREAS, eminently qualified as an educator, Dr. Funderburk also is well experienced both as an administrator and

in building university programs, having served as Chancellor of Auburn University in Montgomery since its inception since 1968; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Dr. Hanly Funderburk as president of Auburn University with congratulations extended; we further direct that Dr. Funderburk receive a copy of this resolution in pledge of our support and as evidence of our sincere praise and high regard.

Approved May 1, 1980

Time: 1:45 P.M.

Act No. 80-284

S.J.R. 141—Bailey

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF COMMISSIONER GEORGE T. TAYLOR OF EUFAULA, ALABAMA.

WHEREAS, the Alabama Legislature, grievously, has noted the death of Mr. George T. Taylor of Eufaula, Alabama, on March 19, 1980, at the age of 69; and

WHEREAS, a native of Barbour County and a resident of Eufaula for many years, George Taylor was a member of one of his county's most prominent families and one who distinguished himself through service and involvement in all areas of community affairs; and

WHEREAS, at the time of his death, Mr. Taylor was serving in long tenure as chairman of the Barbour County Commission, his interest in politics and government rooted in concern for the well-being of his beloved home county, and for all its citizens whose needs he championed and fought to meet as personal goals in life; and

WHEREAS, Commissioner Taylor, who for many years owned and operated a cotton gin in Eufaula, also conducted and drove charter bus tours into and out of Eufaula; in this capacity, he traditionally arranged trips of interest for elementary school children, and his love for and interest in these young boys and girls was a primary consideration in his selection as a Eufaula Kiwanis Club Citizen of the Year; and

WHEREAS, his community involvement extended further to include membership on the board of directors of the Tri-Rivers Waterways Association, a culmination of his long-time interest and promotion of this navigable waterway; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That with his family, and with the citizens of Eufaula and all of Barbour County, we grievously mourn the death of Commissioner George T. Taylor.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to his wife, Mrs. Ellen M. Taylor; to his mother, Mrs. Oscar H. Taylor; to his daughter, Mrs. Elizabeth T. Poss; and to his son, Wade D. Taylor, that they and other family members may know we deeply share the sorrow of their great loss.

Approved May 1, 1980

Time: 1:45 P.M.

Act No. 80-285

S.J.R. 142—Teague and Proctor

SENATE JOINT RESOLUTION

COMMENDING THE ATHLETIC PROGRAM AND THE OUTSTANDING ATHLETES OF THE ALABAMA SCHOOL FOR THE BLIND.

WHEREAS, it is with great pride that the Alabama Legislature joins with all citizens of Alabama in recognizing the outstanding athletic program of the Alabama School for the Blind in Talladega, Alabama; and

WHEREAS, we especially take pleasure in noting the recent accomplishments of ten of those student athletes in participation at the recent United States Association for Blind Athletes annual meet in McComb, Illinois; and

WHEREAS, competing on the campus of Western Illinois University, our own young Alabamians, in superior medal performances, won four individual wrestling championships and a national championship also in track; and

WHEREAS, winning national titles for ABS were: Bobby Doame in the 112 pound classification; Charles Aldredge in the 132 pound class; Tom Lewis in the 155 pound weight class; and Richard Norwood who took his title in the 167 pound classification; and

WHEREAS, Nikita Davis in track and field event was top winner in the high jump for a gold medal, with a bronze medal for his third place in the 155 pound wrestling class; Keith West brought home a silver medal in 98 pound wrestling, missing the gold by just one point; and wrestler Vincent Armstrong also competed in the high jump and the 800 Meter Run of track and field; and

WHEREAS, for the girls, Sandy Trott placed fifth in the 100 Meter Dash, La Quita Cole was sixth in the 400 Meter Run and Jackie Pugh placed fifth in the 800 Meter Run; and

WHEREAS, long recognized as superior athletes, this group of students from the Alabama School for the Blind, accompanied by physical education instructors Judy Williams and T. R. Bice, brought home more medals than any other team among 400 athletes, in all, from 43 states; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly congratulate and commend this outstanding group of young men and women who greatly excel in athletic ability and who, as national champions, have brought much fame and honor to the entire State of Alabama.

BE IT FURTHER RESOLVED, That copies of this resolution be presented to each of these young athletes, and their instructors, with a copy also provided for appropriate school display as evidence of our high praise and esteem.

Approved May 1, 1980

Time: 1:45 P.M.

Act No. 80-286

S. 242—Pearson

AN ACT

To make an additional appropriation for salaries and other expenses for the use of the legislature for the fiscal year ending September 30, 1980.

Be It Enacted by the Legislature of Alabama:

Section 1. This is hereby appropriated, in addition to all other appropriations heretofore made, the amount of One Million Dollars (\$1,000,000.00) from the state general fund for salaries and expenses of the legislature for the fiscal year ending September 30, 1980.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 1, 1980

Time: 1:45 P.M.

Act No. 80-287

S. 329—Vacca, Cook, Clemon, Hall,
White, Parsons, Proctor, and
Pearson

AN ACT

To authorize the governing body of any county having a population of 600,000 according to the 1970 or any subsequent Federal decennial census to pay the actual cost of replacing any clothing or equipment of a deputy sheriff, probation officer or juvenile detention officer of the county that is damaged or destroyed while such officer is engaged in the performance of his official duties and acting within the line and scope of his authority.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners, board of revenue, or other like governing body of any county having a population of more than 600,000 according to the 1970 or any subsequent federal decennial census, may appropriate county funds to pay the actual cost of replacing any clothing or equipment of a deputy sheriff, probation officer, or juvenile detention officer of the county that is damaged or destroyed while such officer is engaged in the performance of his official duties and acting within the line and scope of his authority.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 1, 1980

Time: 1:45 P.M.

Act No. 80-288

H. 320—Smith (J)

AN ACT

To amend Section 36-26-17 of the Code of Alabama, 1975 relating to the manner of filling vacancies in the classified service to allow the Attorney General to appoint attorneys and legal research aides from a register without regard to the ranking of eligibles.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 36-26-17, Code of Alabama, 1975, is hereby amended to read as follows:

“Section 36-26-17. Vacancies in the classified service shall be filled either by transfer, promotion, appointment, re-appointment or demotion.

Whenever a vacancy is to be filled by appointment, the appointing authority shall submit to the director a statement of the title of the position and, if requested by the director to do so, the duties of the position and desirable qualifications of the person to be appointed and a request that the director certify to him the names of persons eligible for appointment to the position. The director shall thereupon certify to the appointing authority the name of the three ranking eligibles from the most appropriate register and, if more than one vacancy is to be filled, the name of one additional eligible for each additional vacancy or all the names on the register if there are fewer than three.”

Except that in the appointment of attorneys or legal research aides under this section by the Attorney General for appointment in the Office of the Attorney General the director shall certify to the Attorney General the names of all eligibles who meet the minimum qualifications for the particular class of attorneys. The Attorney General may then appoint any person on the register of eligibles without regard to position on that register.

“If it should prove impossible to locate any of the persons so certified or should it become known to the director that any person is not willing to accept the position, the appointing authority may request that additional names be certified until three persons eligible and available for appointment have been certified. Within 10 days after such names are certified, the appointing authority shall appoint one of those whose names are certified to each vacancy which he is to fill; except, that, in the event that he has fewer than the authorized number of persons from which to make his selection, he may choose from the remaining certified names or may elect to make a provisional appointment as provided by section 36-26-18. In the event that there does not exist an employment register which the director deems to be appropriate for the class in which the position is established, he shall prepare such a register within a reasonable time after receipt of the request of the appointing authority that eligibles be certified. Whenever an eligible has been certified to and rejected by appointing authorities three times, the director may remove the name of such person from the employment register.”

Section 2. All laws or parts of law in conflict with this Act are

hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 1, 1980

Time: 2:30 P.M.

Act No. 80-289

H. 655—Brakefield, Naramore

AN ACT

Relating to Walker County; providing for an additional allowance for election officials who work at polling places.

Be It Enacted by the Legislature of Alabama:

Section 1. In Walker County, election officials who work at polling places are hereby entitled to an additional per diem allowance in such an amount as will, together with any amount paid by the state make the total paid to such officials twenty-five dollars (\$25.00) for each day they work at the polls. If the amount paid to such officials as compensation or expense allowance by the state increases in the future, then the amount paid by the county under this act shall automatically decrease in like amount. The expense allowance provided for in this act shall be paid from the general fund of the county.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 1, 1980

Time: 1:45 P.M.

Act No. 80-290

H. 664—Riddick

AN ACT

To authorize the circuit clerk of Madison County, Alabama to collect and retain the execution fee on applications for passports allowed under the provisions of 22 USC § 214, as implemented by regulations of the Department of State.

Be It Enacted by the Legislature of Alabama:

Section 1. The circuit clerk of Madison County, Alabama is authorized to collect and retain the execution fee on applications for passports allowed under the provisions of 22 USC § 214, as implemented by regulations of the Department of State.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 1, 1980

Time: 1:45 P.M.

Act No. 80-291

H. 749—Laird

AN ACT

Relating to Randolph County; to provide for the filling of a vacancy by appointment of the Governor or a special election called by the Governor in municipal offices not otherwise provided for by law, and in the county offices of sheriff, county superintendent of education, county commissioners, tax collector and tax assessor when such vacancy occurs with 50% or more of the term remaining.

Be It Enacted by the Legislature of Alabama:

Section 1. In Randolph County, vacancies in municipal offices not otherwise provided by law and in the county offices of sheriff, county superintendent of education, county commissioners, tax collector and tax assessor shall be filled by appointment of the Governor or by a special election called by the Governor when fifty percent (50%) or more of the term of such office is remaining at the time of such vacancy.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 1, 1980

Time: 1:45 P.M.

Act No. 80-292

H. 789—Carter, Smith (J)

AN ACT

Relating to Limestone County; providing a personnel system governing the

hiring, removal, salaries, promotions, demotions, training and official conduct of all employees of the county; defining violations of the Act, and imposing penalties for violations thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply to and have application in Limestone County, Alabama, to all regular full-time employees whose wages, salaries, and benefits are provided from the general fund and other designated and special funds under the management and administration of the board of county commissioners, including regular full-time employees of the sheriff's department, tax assessor's office, tax collector's office and probate judge's office.

Section 2. As used in this Act unless the context plainly indicates a different meaning, the following words, terms and phrases shall have the meanings respectively ascribed to them:

(a) "County" means Limestone County, Alabama.

(b) "Employee" means any person (including the heads of departments, chief clerks, and chief deputy sheriff) who is employed in the service of the county on a regular full-time basis.

(c) "Board" means the Board of County Commissioners.

(d) "Head of department or office" shall include but not be limited to the sheriff, tax assessor, tax collector, probate judge and county clerk.

Section 3. All employees of the county as herein defined shall be subject to the personnel rules and regulations in or promulgated pursuant to this Act. Present employees and those who may hereafter be employed shall remain in their respective employments during good behavior, efficiency, and adherence to such rules and regulations as may, from time to time, be prescribed by the board. Nothing herein contained shall be construed to prevent or preclude the removal of an employee for cause in the manner defined and provided by the board, and nothing herein contained shall be construed to prevent or preclude the removal of an employee or employees, in the sole discretion of the board, for purposes of cost or budget reduction, and no present employee shall be subject to any examination in order to hold his present job.

Section 4. The board shall adopt rules and regulations to carry out the purposes of this Act, and to provide for hirings, promotions, demotions, suspensions, removals, disciplinary action, appeal, hearing, grievances, and the board may from time to time make changes in its rules, regulations, and procedures. The head of

each department or office shall recommend for promotion persons to fill any vacancies that may occur in his department or office. All promotions shall be made by the board. The board shall have the authority to:

(1) Classify the different types of service to be performed in the departments and offices of the county;

(2) prescribe qualifications, including those of character, education, training, and acquired and demonstrated experience, for appointees of each class;

(3) define compensation schedules for the classification of services; and

(4) allocate each job in the service of the county to its proper classification.

The board shall establish rules, regulations, and procedures governing hiring, employee performance review and evaluation, probations, suspensions, dismissals, demotions, probations, terminations, grievances, appeals, hearings, leave and use of leave, and such rules, regulations, procedures shall govern in such matters.

Section 5. The board shall adopt and have printed such rules, regulations, and procedures as it may deem proper and in accordance with the provisions of this Act. Said rules and regulations and all amendments thereafter adopted shall be kept on file in the commission office and open for public inspection.

Section 6. Any employee who willfully violates any of the provisions of this Act, or any rule or regulation issued in pursuance hereof, shall be dismissed from service under the system and shall not be appointed or re-employed for two years.

Section 7. In any matters related to this Act wherein the board deems it necessary and proper to employ legal counsel, or if any person shall fail or refuse to comply with the lawful orders of the board in their actions pursuant to this Act, the board may employ legal counsel to represent it in its actions for the enforcement of this Act or in defense thereof, and the compensation of such legal counsel shall be paid by the county. Further, the board may employ legal counsel for advice and consultation or general legal counsel.

Section 8. Nothing herein shall be construed as restricting the right of the commission (1) to increase or decrease proportionately the compensation of all county employees; or (2) to use independent contractors for performance of work or the rendering of service to the county.

Section 9. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 11. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 1, 1980

Time: 1:45 P.M.

Act No. 80-293

H. 790—Carter, Smith (J)

AN ACT

Relating to Limestone County; to provide further for the salary of the county superintendent of education, effective upon the next term of office of said officer.

Be It Enacted by the Legislature of Alabama:

Section 1. Effective upon the beginning of the next term of office immediately following passage of this bill, the salary of the superintendent of education of Limestone County shall be determined by the county board of education acting in formal meeting for such purpose. The salary herein provided shall be payable in equal monthly installments from county board of education funds held in the county general fund, to the extent such education funds are available. Otherwise, the salary herein provided shall be payable from the county general fund.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. The provisions of this Act shall become effective upon the expiration of the present term of office of the county superintendent of Limestone County.

Approved May 1, 1980

Time: 1:45 P.M.

Act No. 80-294

H. 791—Carter, Smith (J)

AN ACT

Relating to Limestone County; providing that the county coroner shall have the authority to appoint a deputy coroner who shall serve in the absence of the coroner.

Be It Enacted by the Legislature of Alabama:

Section 1. In Limestone County, the county coroner is hereby authorized to appoint a deputy coroner who shall have the same responsibilities as the coroner when said coroner is absent or in some way incapacitated. If the county coroner should for any reason vacate the office, the deputy coroner shall serve until a successor is appointed or elected. The deputy coroner is authorized to receive a salary of \$75.00 a month to be paid out of the general fund of the county in the same manner as other elected or appointed officials are paid.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 1, 1980

Time: 1:45 P.M.

Act No. 80-295

H. 796—Minus

AN ACT

Relating to Choctaw County; amending the title and Sections 1 and 4 and repealing Section 5 of Act No. 2312, S. 1053, 1971 Regular Session (Acts 1971, p. 3734), relating to the appointment of the county superintendent of education, so as to provide further for the appointment and compensation of such officer.

Be It Enacted by the Legislature of Alabama:

Section 1. The title and Sections 1 and 4 of Act No. 2312, S. 1053, 1971 Regular Session (Acts 1971, p. 3734) are hereby amended to read as follows:

“An Act Relating to Choctaw County; providing for the appointment and compensation of the county superintendent of education; and prescribing his qualifications.

“Section 1. The county board of education shall appoint the superintendent of education, who shall serve at the pleasure of the

county board and until his successor is appointed and qualified.

“Section 4. The salary of the county superintendent of education shall be fixed by the county board of education and shall be payable at the time and in the manner prescribed by the general laws of the state regulating the payment of compensation of county superintendents of education.”

Section 2. Section 5 of Act No. 2312, S. 1053, 1971 Regular Session (Acts 1971, p. 3734), is hereby repealed.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 1, 1980

Time: 1:45 P.M.

Act No. 80-296

H. 826—Laird

AN ACT

To authorize the Randolph County Commission to determine the qualifications for the county engineer, provided, such qualifications meet the minimum requirements under the state law regarding engineers, and to provide that the engineer does not have to be qualified as a land surveyor in order for the state highway department to participate in the payment of a portion of said county engineer's salary. This act shall have retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. The Randolph County Commission is hereby empowered to determine the qualifications for the county engineer, provided that such qualifications meet the minimum requirements under the state law regarding qualifications of engineers. It is further provided that the county engineer does not have to be qualified as a land surveyor in order for the state highway department to participate in the payment of a portion of said county engineer's salary.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective, retroactive to February 1, 1980.

Approved May 1, 1980

Time: 1:45 P.M.

Act No. 80-297

H. 837—Patton, Roberts

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Trinity in Morgan County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Trinity in Morgan County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to-wit:

The South 12 acres of the East 35 acres of the North 60 acres of the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 30, all in Township 5 South, Range 5 West, Morgan County Alabama.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 1, 1980

Time: 1:45 P.M.

Act No. 80-298

H. 842—Campbell

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the City of Anniston, in Calhoun County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the City of Anniston, in Calhoun County, Alabama, are hereby altered, rearranged, and extended so as to include within the corporate

limits of said City, in addition to the territory now included, all of the following described tracts of land:

TRACT I

Commencing at the southeast corner of the Southeast Quarter of the Southwest Quarter of Section 16, Township 16 South, Range 8 East, in Calhoun County, Alabama; thence north 0 degrees 27 minutes east along the east line of said quarter-quarter a distance of 234.00 feet to the point of beginning; thence west at an angle of 90 degrees 00 minutes a distance of 220.00 feet to a point; thence north and parallel to the east line of said quarter-quarter a distance of 125.00 feet to a point; thence east at an angle of 90 degrees 00 minutes a distance of 220.00 feet to a point on the east line of said quarter-quarter; thence south along said east line of said quarter-quarter a distance of 125.00 feet to the point of beginning.

TRACT II

Commencing at the southeast corner of the Southeast Quarter of the Southwest Quarter of Section 16, Township 16 South, Range 8 East, in Calhoun County, Alabama; thence north 0 degrees 27 minutes east along the east line of said quarter-quarter a distance of 53.54 feet to the point of beginning; thence south 90 degrees 00 minutes west a distance of 95.00 feet to a point, said point being on the north right-of-way line of Greenbrier Drive; thence west along said north right-of-way line a distance of 719.56 feet to a point; thence north 89 degrees 25 minutes east a distance of 809.40 feet to a point on the east line of said quarter-quarter; thence south 0 degrees 27 minutes west along said east line a distance of 45.46 feet to the point of beginning.

TRACT III

Beginning at a point on the east line of the Southwest Quarter of the Northeast Quarter of Section 36, Township 15 South, Range 7 East, in Calhoun County, Alabama, a distance of 435 feet south of the northeast corner of said quarter-quarter; thence in a southerly direction along said east line of said quarter-quarter a distance of 285.0 feet to a point; thence west at an interior angle of 95 degrees 39 minutes a distance of 102.8 feet to a point on the easterly side of the Buttermilk Road (also known as Parkwood Drive); thence northerly along the easterly side of said road to the northeast intersection of said road and Oakridge Drive; thence north along the east line of Oakridge Drive a distance of 116.0 feet to a point; thence east and parallel with the north line of said quarter-quarter a distance of 312.0 feet to a point; thence south and parallel to the east line of said quarter-quarter a distance of 237.0 feet to a point;

thence east and parallel to the north line of said quarter-quarter a distance of 210.0 feet to the point of beginning.

TRACT IV

Commencing at the northeast corner of the Northeast Quarter of the Southeast Quarter of Section 16, Township 16 South, Range 8 East, in Calhoun County, Alabama; thence west a distance of 330 feet along the north line of said quarter-quarter to the point of beginning; thence south and parallel to the east line of said quarter-quarter a distance of 1304.16 feet to the south line of said quarter-quarter; thence west along said south line a distance of 704.82 feet to the southeast corner of Lot 13, Block 4, of Valley Brook Subdivision; thence north along the east line of said lot a distance of 163.22 feet to the south right of way line of Valley Creek Road; thence east along the south right of way line of said Valley Creek Road a distance of 78 feet to a point; thence north 50 feet to a point, which is the southeast corner of Lot 7, Block 3, of Valley Brook Subdivision; thence north 889.86 feet along the east line of Lots 1 through 7, in Block 3 to the northeast corner of Lot 1 of Block 3, which point is also on the south right of way line of Aronda Drive; thence east along the south right of way line of Aronda Drive a distance of 20 feet to a point; thence north a distance of 51 feet to a point which is the southeast corner of Lot 7, Block 2, of Valley Brook Subdivision; thence northeasterly along the east line of said Lot 7 a distance of 151.32 feet to its intersection with the north line of said quarter-quarter; thence east along said north line of said quarter-quarter a distance of 571 feet to the point of beginning.

TRACT V

Beginning at the southeast corner of Section 25, Township 15 South, Range 7 East, in Calhoun County, Alabama; thence north 2 degrees 01 minute west along the east line of said Section 25, a distance of 364 feet to a point; thence north 89 degrees 03 minutes east a distance of 290 feet to a point on the east right of way line of the Alexandria-Anniston Road; thence northwesterly along the east right of way line of said road a distance of 245 feet to its intersection with the south right of way line of the Blue Mountain Road; thence southeasterly along said Blue Mountain Road a distance of 1184.54 feet to a point; thence south 76.74 feet to a point on the north right of way line of 34th Street, said point being 308.54 feet east of the east right of way line of Stevens Street; thence west along the north right of way line of 34th Street a distance of 568.54 feet to a point; thence south at an angle of 90 degrees 00 minutes a distance of 60 feet to a point; thence west at an angle of 90 degrees 00 minutes a distance of 20 feet to a point; thence south at an angle of 90 degrees 00 minutes a distance of 200 feet to a point; thence west at

an angle of 90 degrees 00 minutes a distance of 355.66 feet to a point on the east right of way line of the Alexandria-Anniston Road; thence in a southwesterly direction a distance of 45 feet to a point on the west right of way line of the Alexandria-Anniston Road, said point being on the south line of Section 30, Township 15 South, Range 8 East; thence southeasterly along the west right of way line of said road to the existing city limit line; thence southwesterly along the existing city limit line to a point on the south line of the Southeast Quarter of the Northeast Quarter of Section 36, Township 15 South, Range 7 East; thence westerly along said south line of said quarter-quarter to the west line of said quarter-quarter; thence north 1 degree 21 minutes west along the west line of said quarter-quarter a distance of 1327.07 feet to the northwest corner of said quarter-quarter; thence continuing north along the west line of the Northeast Quarter of the Northeast Quarter of said Section 36 at an angle of north 2 degrees 9 minutes west a distance of 1371.58 feet to the northwest corner of said last mentioned quarter-quarter; thence north 89 degrees 25 minutes east along the north line of said last mentioned quarter-quarter a distance of 1302.34 feet to the point of beginning; being and lying in Calhoun County, Alabama, containing 110 acres, more or less.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 1, 1980

Time: 1:45 P.M.

Act No. 80-299

H. 855—Crow, Campbell

AN ACT

Relating to Calhoun County; to provide an additional expense allowance for the coroner.

Be It Enacted by the Legislature of Alabama:

Section 1. The coroner of Calhoun County shall receive an additional expense allowance of up to \$300 per month for actual expenses incurred each month in the performance of his duties. The coroner shall each month submit a voucher supporting his claim for expenses under the provisions of this Act. The expense allowance herein provided shall be in addition to any compensation or expense allowances heretofore provided by law.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise

becoming a law.

Approved May 1, 1980

Time: 1:45 P.M.

Act No. 80-300

H. 840—Adams (C)

AN ACT

To amend Sections 4, 16 and 24 of Act No. 13 of the 1947 Regular Session (Local Acts 1947, P. 7) as amended, relating to the Phenix City Municipal pension and relief system for the benefit of firemen and policemen so as to restore the original retirement benefits to certain firemen and policemen employed prior to May 1, 1978; to provide for purchasing prior service credit; to provide that an amount equal to a total of 11.4 percent of the salary of firemen and policemen shall be paid into said fund monthly by said city out of the city treasury; and to provide further for proration of benefits in the event of insufficiency of money in the fund.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4 of Act No. 13, H. 118, of the Regular Session of 1947 (Local Acts 1947, p. 7), as amended, is hereby further amended to read as follows:

“Section 4. The revenues of the fund shall be derived and obtained from the following sources: (A) From the salary of each fireman and each policeman there shall be deducted as the salary becomes payable, a sum equal to eight percent of the amount of such salary; whenever a member of the fire department or of the police department is ineligible to participate in the benefits of the fund, neither he nor his salary or other compensation shall be subject to an assessment for the benefit of the fund. (B) Each fire insurance company doing business in the city shall, before the first day of March of each year, pay into the fund a sum equal to one and one-half percent of the gross premiums, less return premiums, received by such company for and on account of business done by it in the city during the preceding calendar year. It shall be unlawful for any fire insurance company or its agent to take or receive any premium for insurance against fire within the city unless such company pays to the fund any amount herein required to be paid by it. Any fire insurance company that violates any provision of this Act shall forfeit the sum of one thousand dollars, to be recovered for the use of the fund by suit brought in the name of the city. Each person, firm or corporation conducting a fire insurance agency or brokerage business in the city shall make, and file with the city clerk within the first ten days of each calendar year a sworn statement of the name and address of each fire insurance company which such

person, firm, or corporation represented or did business for as agent or broker during the preceding year. Any person who fails or refuses to file such statement shall forfeit the sum of one hundred dollars, to be recovered for the use of the fund by suit brought in the name of the city. Forfeitures and penalties, when collected, shall be a part of the fund. Any sum, or sums, except forfeitures and penalties, required by this Section to be paid by fire insurance companies shall be treated and held to be a part of the privilege license tax which any municipal corporation may impose upon fire or marine insurance companies under Section 11-51-120 of the Code of Alabama 1975. (C) Each fireman and policeman is required to pay promptly into the fund his witness fee in any case in which he may have been summoned by the city, and all money received by him as a donation, reward, or gratuity, including any liquor seizure fee, for unusual or special services performed in the line of duty. (D) There shall be paid into the fund, as and when received by the city, amounts received by it from the Alabama Alcoholic Beverage Control Board for contraband liquors and beverages confiscated and delivered to that agency. (E) The board may take by gift, grant, devise, or bequest, any money, personal property, or real estate, or any interest therein; and, any gift, grant, devise, or bequest may be absolute or upon condition that only the rents, income, and profits arising therefrom shall be applied to the purpose for which the fund is created. (F) The governing body of the city shall cause to be paid into the fund monthly, out of the city treasury, an amount equal to a total of 11.4 percent of the total salary of all firemen and policemen. The fire insurance premiums which the City of Phenix City, Alabama, is presently paying into the fund will be included as part of the 11.4% contribution by the City of Phenix City.

“Any person who is presently employed as a firefighter or policeman when this Act becomes effective who has previously served his employment with the fire or police department and withdrawn his retirement monies and entered such service as a new member of the fund who desires to reinstate his prior service credit may do so provided that within 90 days after this Act becomes a law, he repays all the pension money withdrawn from the fund, with interest at the rate of six percent per annum.”

Section 2. Section 16 of Act No. 13, H. 118 of the 1947 Regular Session (Local Acts 1947, p. 7), as amended, is hereby further amended to read as follows:

“Section 16. (A) Any fireman or policeman who was employed by the City of Phenix City, Alabama, as a fireman or policeman prior to the 1978 amendment to Act No. 13, H. 118, 1947 Regular Session, which was effective May 1, 1978, and who was also

employed on the 6th day of November, 1979, and who has served as a fireman or policeman for the City of Phenix City, Alabama, for as long as 20 years, may be retired and his name placed on the pension roll upon his application therefor. Any person so retired shall be paid monthly from the fund as follows:

“a. 20 years of service shall receive 50% of monthly salary at time of retirement.

“b. 21 years of service shall receive 51% of monthly salary at time of retirement.

“c. 22 years of service shall receive 52% of monthly salary at time of retirement.

“d. 23 years of service shall receive 53% of monthly salary at time of retirement.

“e. 24 years of service shall receive 54% of monthly salary at time of retirement.

“f. 25 years of service shall receive 55% of monthly salary at time of retirement.

“g. 26 years of service shall receive 56% of monthly salary at time of retirement.

“h. 27 years of service shall receive 57% of monthly salary at time of retirement.

“i. 28 years of service shall receive 58% of monthly salary at time of retirement.

“j. 29 years of service shall receive 59% of monthly salary at time of retirement.

“k. 30 years of service shall receive 65% of monthly salary at time of retirement.

“(B) Any fireman or policeman employed after May 1, 1980, who has been in the service for as long as 20 years, and who is not covered by Section 16 (A) above, may be retired and his name placed on the pension roll upon his application therefor. Any person so retired shall, upon attaining the age of 60 years, be paid monthly from the funds as follows:

“a. 20 years of service shall receive 40% of his average final salary.

“b. 25 years of service shall receive 50% of his average final salary.

“c. 30 years of service shall receive 60% of his average final salary.

"d. 35 years of service shall receive 70% of his average final salary.

"e. 40 years of service shall receive 80% of his average final salary.

"(C) To calculate the members average final salary add the highest three years of salary of the last ten years of service and divide by 3. Under no circumstances shall the surviving spouse, children or widowed mother of a deceased fireman or policeman be paid a pension in excess of \$300.00 per month. In no event shall any member of the police or fire department be retained in active service after attaining the age of 65 years.

"(D) The City of Phenix City, Alabama, will continue to pay the health and life insurance premiums of those firemen and policemen who retired prior to the 1978 amendment hereto. The City will not pay the health and life insurance premiums of those firemen and policemen who retire or who have retired after May 1, 1978, the effective date of the 1978 amendment hereto."

Section 3. Section 24 of Act No. 13, H. 118, of the Regular Session of 1947 (Local Acts 1947, p. 7), as amended, is hereby further amended to read as follows:

"Section 24. If at any time there is an insufficient amount of money in the fund to pay each person entitled to the benefits, each beneficiary shall receive payment on a pro rata basis."

Section 4. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 1, 1980

Time: 1:45 P.M.

Act No. 80-301

H. 841—Adams (C)

AN ACT

Relating to Phenix City; to amend sections 3.05, 5.14, 5.17, and 5.26, and to repeal section 5.19 of Act No. 71, H. 114, Regular Session 1977 (Acts 1977, p. 78), as amended, which provides for a council manager form of government in certain municipalities based on a population classification, so as to further provide for the compensation of the mayor and council members; to provide that the city manager shall sit with the planning board in certain meetings; to further provide for classifications of anticipated revenues; and to further provide methods for comparing proposed expenditures with expenditures from other years.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3.05 of Act No. 71, H. 114, Regular Session 1977 (Acts 1977, p. 78) is hereby amended to read as follows:

"3.05. Compensation.—The mayor shall receive as compensation for his services the sum of Four Hundred Dollars per month, provided that the total does not exceed Four Thousand Eight Hundred Dollars per annum. Each councilman shall receive as compensation for his services the sum of Three Hundred Fifty Dollars per month, provided that the total does not exceed Four Thousand Two Hundred Dollars per annum. The mayor and councilmen may be reimbursed for actual expenses incurred in and about the performance of their duties, only if such expenses are approved by the council at a regular meeting. No salary increase may be made effective except at the beginning of a new term."

Section 2. Section 5.14 of Act No. 71, H. 114, Regular Session 1977 (Acts 1977, p. 78) is hereby amended to read as follows:

"5.14. Budget message; capital program.—The city manager shall also include in the budget message, or attach thereto, a capital program of proposed capital projects for the five fiscal years next succeeding the budget year, prepared by the planning board and city manager together with his comments thereon and any estimates of costs prepared by any office, department, board or agency. For the use of the planning board and city manager in preparing such capital program, copies of the departmental estimates of capital projects, filed with the city manager pursuant to section 5.02 of this article, shall be filed with the board."

Section 3. Section 5.17 of Act No. 71, H. 114, Regular Session 1977 (Acts 1977, p. 78) is hereby amended to read as follows:

"5.17. Anticipated revenues.—In the budget and budget proposal, anticipated revenues shall be classified as 'miscellaneous revenues' and 'amount to be raised by property tax'; miscellaneous revenues shall be subclassified by sources and shall be estimated as prescribed in this article."

Section 4. Section 5.26 of Act No. 71, H. 114, Regular Session 1977 (Acts 1977, p. 78) is hereby amended to read as follows:

"5.26. Proposed expenditures; comparison with other years.—In the budget and budget proposal in parallel columns opposite the several items of proposed expenditures, there shall be placed the amount of each such item in the budget of the current year and the amount actually expended to the times of preparing the budget proposal plus the expenditures for the remainder of the current fiscal year estimated as accurately as may be."

Section 5. Section 5.19 of Act No. 71, H. 114, Regular Session 1977 (Acts 1977, p. 78) is hereby expressly repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 1, 1980

Time: 1:45 P.M.

Act No. 80-302

H. 847—Roberts, Patton

AN ACT

Relating to Morgan County; to amend further Act No. 280, H. 739, 1959 Regular Session (Acts 1959, p. 842), entitled, "An Act To authorize and provide for the establishment, maintenance, operation and financing of a public law library in Morgan County, Alabama," so as to further provide for said financing by increasing the costs and charges of court.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 280, H. 739, 1959 Regular Session (Acts 1959, p. 842), as amended, is hereby further amended to read as follows:

"Section 2. To provide revenue for the establishment, maintenance, operation and financing of said library, there shall be taxed as costs the sum of \$2.00 in each civil or quasi civil action at law, criminal case, quasi criminal proceedings or forfeited bail bond proceedings or proceedings on a forfeited bond given in connection with an appeal from a judgment or conviction in any district court or municipal court to the Morgan County Court of Morgan County, Alabama, or the Circuit Court of Morgan County, Alabama, which costs shall be collected upon such suit or case filed in, arising in or brought by appeal, certiorari or otherwise to the Circuit Court of Morgan County, Alabama, or the Morgan County Court of Morgan County, Alabama, which costs shall be collected as other costs in such cases are collected by the Clerk of said court or the register in chancery thereof, as the case may be, and shall be paid to the treasurer of Morgan County, Alabama, which shall be kept by him in a separate fund designated as 'Morgan County Law Library Fund' and shall be expended by the Morgan County Library Management Committee hereinafter created on warrants of the chairman of said committee drawn on the treasurer of Morgan County for expenditures as hereinafter provided with said warrants bearing the notation of the funds against which the same

are drawn. In all proceedings of the district court, there shall be taxed as costs the sum of \$2.00 to be collected as are other costs and paid to the treasurer of Morgan County, Alabama, to be placed in the 'Morgan County Law Library Fund' and expended in the manner as hereinabove prescribed for other moneys placed in such fund."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 1, 1980

Time: 1:45 P.M.

Act No. 80-303

H.J.R. 199—Venable

HOUSE JOINT RESOLUTION

CREATING THE ELMORE COUNTY FIRE DISTRICT STUDY COMMISSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created the Elmore County Fire District Study Commission for the purpose of considering a plan to create fire districts within Elmore County. The Commission shall consider the feasibility of establishing fire districts within said county or other alternatives to providing adequate fire protection to all residents of said county.

BE IT FURTHER RESOLVED, That membership of the Commission shall be composed as follows: One member from each duly organized volunteer fire department in the county, including those fully or partially funded by municipalities; one public member from each county commission district to be appointed by the County Commission; the county forest ranger; and the county civil defense director who shall serve as secretary of the commission. At its first meeting, to be called by the secretary within 30 days of the date of this act, the Commission shall select a chairman, vice chairman and other officers it may deem necessary from among its members. An original member who is unable to attend a meeting may designate an alternate who may act in that member's place. Members shall serve without pay or expenses.

BE IT FURTHER RESOLVED, That the commission shall report its findings, conclusions and recommendations to the

Elmore County governing body and to the Elmore County legislative delegation not later than January 1, 1981, whereupon the commission shall be dissolved unless extended by resolution of the county governing body.

RESOLVED FURTHER, That copies of this resolution shall be sent to each member of the county governing body and to the Elmore County legislative delegation.

Approved May 1, 1980

Time: 1:45 P.M.

Act No. 80-304 H.J.R. 202—Grimsley, Williams, Carothers,
Sasser, Ray

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MR. MAJOR WATT ESPY, SR., PROMINENT ALABAMA BUSINESSMAN, BANKER AND CIVIC LEADER.

WHEREAS, the Legislature of Alabama has grievously noted the death of Mr. Major Watt Espy, Sr., of Headland, Alabama, on April 3, 1980, at the age of 72; and

WHEREAS, a native and lifelong resident of Headland, Mr. Espy was educated in his community's public schools and was a graduate of Howard College in Birmingham, now Samford University, at the age of just 18 years; following college and U.S. Navy Reserve duty, he entered business in his hometown of Headland; and

WHEREAS, he later and long served as Executive Vice President, then President of the Headland National Bank and, at the time of his death, was also Chairman of the board of directors; and

WHEREAS, as president of Espy Mercantile Company, Mr. Espy headed the oldest business, founded in 1902, in Headland; he further was president of the Headland Stockyards, Espy Fertilizer Company and the Headland Bonded Warehouse, with extensive farming interests as well; and

WHEREAS, he was a deacon in the First Baptist Church of Headland, a former Sunday School Superintendent for 26 years, former member of the Federal Reserve Bank of Atlanta's Birmingham Branch and a former president of the Alabama Banker's Association; and

WHEREAS, in addition to membership and active involvement in numerous civic and charitable organizations, Mr. Espy was an avid and longtime supporter of the athletic programs in Headland as well as the Boy Scouts of America; he was a trustee of Samford University, a member of the Board of Directors of the Life Insurance Company of Alabama and was a member of the Henry County Chapter of the Alabama Cattlemen's Association in addition to various other memberships and offices of responsibility; both locally and statewide; and

WHEREAS, a former Alabama State Senator from 1943-1947, Mr. Espy was the third generation of his family to serve as a member of the Alabama Legislature; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Mr. Major Watt Espy, Sr., of Headland, Alabama, and extend our most heartfelt sympathy not only to his family but to his many friends and fellow citizens who were privileged to know and to love this outstanding Alabamian.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to his wife, Mrs. Edith Vann Espy, with copies also to their two sons and two daughters that they, and other family members, may know we grievously share the sorrow of their great loss.

Approved May 1, 1980

Time: 1:45 P.M.

Act No. 80-305

H.J.R. 204—Sasser, Williams, Barton

HOUSE JOINT RESOLUTION

NAMING THE UNIT TRAINING EQUIPMENT SITE NUMBER TWO AT FORT RUCKER, ALABAMA, THE "SALIBA-WARD UNIT TRAINING EQUIPMENT SITE."

WHEREAS, the Legislature of Alabama notes with deep appreciation the honorable service of Alabama guardsmen Thomas S. Saliba and James H. Ward to the State of Alabama and to our nation, both during combat and in time of peace; and

WHEREAS, these two dedicated individuals, both of whom have held the rank of Lieutenant Colonel in the Alabama Army National Guard, are longtime members of the Guard with LTC Ward serving continuously since 1940 and LTC Saliba from 1937 until 1972; and

WHEREAS, it is further to be noted that these officers, Ward and Saliba, each played an initial and instrumental role in the Guard's efforts to obtain training areas at Fort Rucker, Alabama, for use by the Alabama National Guard; as a result of their efforts full time Unit Training Equipment Sites were soon established in the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of extraordinary service to our state and nation, we hereby name and designate the unit training equipment site number two at Fort Rucker, Alabama, the "Saliba-Ward Unit Training Equipment Site."

BE IT FURTHER RESOLVED, That the proper authorities are hereby authorized to erect and maintain appropriate signs and markers so designating said site as the "Saliba-Ward Unit Training Equipment Site."

RESOLVED FURTHER, That copies of this resolution be forwarded to LTC James H. Ward and to LTC Thomas S. Saliba in token of our appreciation and as evidence of this honorary designation.

Approved May 1, 1980

Time: 1:45 P.M.

Act No. 80-306

H.J.R. 205—McCorquodale

HOUSE JOINT RESOLUTION

COMMENDING AND CONGRATULATING THE GROVE HILL ACADEMY REBELS ON THEIR CLASS 1A STATE FOOTBALL CHAMPIONSHIP.

WHEREAS, indeed to be commended are the Grove Hill Academy Rebels who ended their outstanding 1979 football season with a 10-2 and 1 record, overall, and the Class 1A State Championship in the Alabama Private School Association; and

WHEREAS, Head Coach Donnie Jones and his Assistant Coach, Hugh Bryan, directed their team not only to a big winning season and the Championship, but also to an awesome average of twenty-one points per game; and

WHEREAS, each and every member of the team is deserving of much credit for the part he played in capturing the crown and for

the glory he shares with his team, his classmates, faculty, parents and many fans; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate the Grove Hill Academy Rebels State 1A Football Champions of the Alabama Private School Association.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for appropriate school display with copies also sent to Coaches Jones and Bryan on behalf of all their State Champion Rebels, of whom we are truly and justly proud.

Approved May 1, 1980

Time: 1:45 P.M.

Act No. 80-307	H.J.R. 206—Smith (C), McKee, Dixon, Daniels, Wyatt, Manley, McMillan, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R.G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels,
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Shavers, Shoemaker, Smith (J),
 Smith (M), Starkey, Stewart,
 Stout, Trammell, Tucker,
 Turner, Turnham, Venable,
 Waggoner, Ward, Warren,
 Whatley, Williams, Willis,
 Zoghby

HOUSE JOINT RESOLUTION

COMMENDING GOVERNOR FOB JAMES, MS. CAROLINE S. CAVANAUGH AND THE EMPLOYEES OF THE ALABAMA BUREAU OF PUBLICITY AND INFORMATION.

WHEREAS, it is to be commendably noted that 1979 was a banner year of travel, both to and within Alabama, with tourism producing an estimated \$2.2 billion for the Alabama economy, the best year ever for our state; and

WHEREAS, it is to be further noted that this tremendous sum, reflecting an increase of 29 percent over previous years, accounted for approximately 17 percent, more than \$85 million, of Alabama's retail sales tax collections, not including state taxes on gasoline; and

WHEREAS, as a result of the tremendous promotion efforts of the Bureau of Publicity and Information, more Alabamians are traveling their own State than ever before; a recent study also indicates that though the majority of out-of-state tourists are from other Southern states, the citizens of our country's north central region are the next largest source of tourism in Alabama, as a result of highly effective publicity and promotion; and

WHEREAS, not only is "travel" our state's largest industry, but is one that is a major source of employment as well as revenue; some 60,000 of our citizens are directly employed as a result of tourism in Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in appreciation, we most highly commend Ms. Caroline S. Cavanaugh, Director, and the employees of the Bureau of Publicity and Information, for the outstanding success of their efforts in 1979.

BE IT FURTHER RESOLVED, That Ms. Cavanaugh receive a copy of this resolution, on behalf of her department's employees, and that a copy also be sent to Governor James in commendation of his appointment of Ms. Caroline Cavanaugh as Director of the Bureau of Publicity and Information.

Approved May 1, 1980

Time: 1:45 P.M.

Act No. 80-308 H.J.R. 209—Riddick, Patton, Roberts,
 Adams (C), Starkey, Stewart,
 Smith (M)

HOUSE JOINT RESOLUTION

WHEREAS the fundamental freedoms of the citizens of Alabama, and their fellow Americans are embodied in the concept of "Private Property Rights — Protect Them." and

WHEREAS in the entire American free enterprise sytem, this concept is perhaps nowhere more personally meaningful than in the right of every citizen to own real property, and

WHEREAS this cherished legacy, bequeathed to us by virtue of our forefathers' foresight and wisdom, carries a concomitant obligation to preserve the land upon which our lives depend, and

WHEREAS it is only by sustaining the land and perpetuating our Constitutional rights to it that each of us can continue to enjoy its bounty and ensure the same privileges for the generations that will succeed us, and

WHEREAS the fulfillment of this obligation is consistently demonstrated by the commitment and concern of the Alabama Association of Realtors in assisting Alabama residents who wish to exercise their rights to own real property, and

WHEREAS Realtors nationwide have, since 1956, participated in an annual observance to celebrate the right of Americans to own real property and enjoy the benefits it bestows, and

WHEREAS this observance, called Private Property Week, is a special time set aside each year to remind Americans that we not only have the right to own real property, but an individual responsibility to guard this prerogative from any infringement, personal or political, and

WHEREAS it is the conscientious and persistent vigilance of every citizen of the state of Alabama that will enable us to maintain these satisfactions we derive from the political rights we possess.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, Do

hereby commend the observance of April 13 to 19 as Private Property Week and encourage all Alabamians to join with the Alabama Association of Realtors and its 10,000 members throughout Alabama during this meaningful observance and take an active part in appropriate and significant programs of state and civic betterment during this week and throughout the year.

Approved May 1, 1980

Time: 1:45 P.M.

Act No. 80-309

H.J.R. 210—Naramore, Bennett

HOUSE JOINT RESOLUTION

COMMENDING MRS. LOTTIE LOWERY AS ALABAMA'S
"MOTHER OF THE YEAR."

WHEREAS, Mrs. Lottie Lowery of Jasper has been named Alabama's Mother of the Year for 1980; and

WHEREAS, Mrs. Lowery will represent the State of Alabama at the National American Mother of the Year observance sponsored by the American Mother's Committee in Phoenix, Arizona; and

WHEREAS, a dedicated school teacher for over 37 years, Mrs. Lowery attended both Florence State Teachers College and Jacksonville State Teachers College; and

WHEREAS, the unexpected death of her husband left her to raise two young children to whom she had to be both mother and father as well as family breadwinner; and

WHEREAS, Mrs. Lowery, who sent both children through college, retired at age 73; and

WHEREAS, her dedication to family is paralleled only by her duty to the Methodist Church of Jasper where she has served for over 50 years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby congratulate Mrs. Lottie Lowery on her selection as "Alabama Mother of the Year" for 1980.

BE IT FURTHER RESOLVED, That the Legislature of her home state wishes her well in her participation in the national "Mother of the Year" Awards in Phoenix, Arizona.

RESOLVED FURTHER, That in addition to Mrs. Lowery,

copies of this resolution be sent to her children, Mr. Dennis Lowery of Jasper and Mrs. Mary Jo Callahan of Birmingham, and to Mrs. Eulalia Vess, State Chairman of the Alabama Mothers Association.

Approved May 1, 1980

Time: 1:45 P.M.

Act No. 80-310

H.J.R. 211—Naramore

HOUSE JOINT RESOLUTION

CONGRATULATING MISS DIEADRE MONIQUE KEY,
ALABAMA'S JUNIOR MISS FOR 1980.

WHEREAS, it is with pleased concurrence that the Legislature of Alabama notes the January, 1980 selection of Miss Dieadre Monique Key of Walker County as Alabama's Junior Miss for 1980; and

WHEREAS, this beautiful, talented and charming young lady is a senior at Walker High School where she maintains an excellent scholastic average and is active in many school organizations and student activities; and

WHEREAS, Miss Key, who is the 17-year-old daughter of Mr. and Mrs. Kenneth G. Key of Jasper, will indeed most ably represent and bring credit to our state in national competition to be held June 30 through July 2, 1980, in Mobile, Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Miss Dieadre Monique Key on her prestigious selection as our 1980 Alabama Junior Miss, and thereby our state's lovely and talented representative in the forthcoming national contest for the title of America's Junior Miss.

BE IT FURTHER RESOLVED, That copies of this resolution be presented to Miss Key, and to her parents, that they may know of our high praise and warm wishes for every future success.

Approved May 1, 1980

Time: 1:45 P.M.

Act No. 80-311

H.J.R. 215—Cooley, Bowling

HOUSE JOINT RESOLUTION

COMMENDING CULLMAN COUNTY'S FARM-CITY COMMITTEE.

WHEREAS, the citizens of Alabama annually, during farm-city week, recognize the vital link between our rural and urban neighbors, and the Alabama Legislature notes that one county in particular has helped to make the November event one of the greatest celebrations in our nation; and

WHEREAS, Cullman County's Farm-City Committee has built a program which has earned both state and national honors; recognized in 1979 as having the most outstanding committee in the state and sharing this honor in 1978, the committee also received awards of excellence in both of these years from the National Farm-City Council in Illinois; and

WHEREAS, it is the unprecedented growth of Cullman County's celebration which is so phenomenal since the county first became active in Farm-City during 1973 with Dwight Webb of the Rural Electrification Cooperative as chairman; and

WHEREAS, at that time, with fewer than 100 citizens involved in the program, participation grew under the leadership of Mr. Webb and successive chairmen, including John Kilgo of Farm Bureau, Bob Spears of the extension service, Mike Cornett of the Soil Conservation Service and James King, an independent businessman; and

WHEREAS, in 1978, with the management of Mr. Cornett, the annual Farm-City banquet had actually outgrown the largest facilities in Cullman County; with more than 600 people in attendance that year, it was necessary that Mr. King's committee locate an arena to seat more than 900 guests; and

WHEREAS, the size of the committee itself has also shown tremendous growth, as starting with less than 6 members in 1973, the Cullman County committee now has 78 members representing a variety of urban and rural occupations; and

WHEREAS, the committee members work hard throughout the entire year to provide outstanding radio, television and newspaper coverage and further plan Farm-City tours, exhibits and contests for Cullman school children; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding dedication, we hereby most highly commend the efforts of the Cullman County Farm-City Committee

and voice our support as the committee continues to strengthen the bonds between our urban and rural neighbors.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to the Cullman County Farm-City Committee as evidence of our appreciation, high praise and esteem.

Approved May 1, 1980

Time: 1:45 P.M.

Act No. 80-312

H.J.R. 232—Patton

HOUSE JOINT RESOLUTION

CREATING A SELECT INTERIM COMMITTEE ON JUVENILE JUSTICE.

WHEREAS, the rise in crimes involving juveniles has accelerated in recent years; and

WHEREAS, our youth are important to all Alabamians; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a select interim committee on juvenile justice, composed of four members of the House of Representatives and three members of the Senate, appointed by the presiding officers of the respective bodies. The chairman and vice chairman of the committee shall be elected at the first meeting of the committee. The committee shall study all facets of the Alabama juvenile justice systems, including, but not limited to: juvenile law enforcement, juvenile probation services, the juvenile court system, and the department of youth services, and laws and practices relating thereto, which the committee members deem pertinent to their study. The committee shall have subpoena powers and powers to punish for contempt. Upon the request of the chairman, the Clerk of the House and the Secretary of the Senate shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the Legislature not later than the fifth legislative day of the 1981 Regular Session and each regular session thereafter. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon

warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session but they shall receive their travel expenses for all meetings attended and any travel upon the business of the committee and the total expenses of the committee shall not exceed \$7,500.00.

Approved May 1, 1980

Time: 1:45 P.M.

Act No. 80-313

H. 932—Whatley, Ward

AN ACT

Proposing an amendment to the Constitution of Alabama to provide for fire protection in Lee County; to authorize the establishment of firefighting districts for fire protection services.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed and shall become valid as a part of the Constitution when approved and proclaimed ratified as provided by law:

PROPOSED AMENDMENT

The county commission of Lee County is hereby authorized to establish firefighting districts within such county and enter into agreements with volunteer fire departments within such county for fire protection and services. Said districts shall exclude any corporate municipality which does not request through its governing body by resolution to be made a part of and subject to the provisions of this amendment.

The county commission of Lee County shall, at its next meeting after passage and approval of this amendment, appoint a committee consisting of the Chief of each volunteer fire department within the county. The purpose of this committee will be to keep the commission informed and advised as to the status and needs of the departments and to assist the commission in the setting of priorities regarding fire protection and services.

The county commission may, in its discretion, authorize the expenditure of public funds in support of any fire district.

The Lee County Commission may, upon recommendation of this committee, appoint a county fire marshal whose principle duty

shall be the coordination of all fire protection within the county. This fire marshal shall perform such other tasks related to fire protection as may from time to time be assigned to him by the county commission.

This amendment is not intended nor shall it be construed to limit the authority or scope of the volunteer fire departments within Lee County or their operation within said county.

Section 2. An election upon this proposed amendment shall be held on the date of the first primary, general or special election held after the expiration of three months from the final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted for four weeks next preceding said election at each courthouse in said county.

CONSTITUTIONAL AMENDMENT

Passed the House April 23, 1980

Passed the Senate May 6, 1980

Act No. 80-314

S. 80—Vacca

AN ACT

To make an additional appropriation to the Alabama Real Estate Commission from the Alabama Real Estate Commission Fund which is on deposit in the state treasury, for salaries and other expenses for the fiscal year ending September 30, 1980.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated to the Alabama Real Estate Commission from the Alabama Real Estate Commission Fund which is on deposit in the state treasury, in addition to all other funds heretofore appropriated, the sum of \$90,000.00 for salaries and other expenses for the fiscal year ending September 30, 1980.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1980

Time: 8:30 P.M.

Act No. 80-315

S. 327—Miller

AN ACT

To amend the Title and Section 1 of Act No. 79-722 adopted at the 1979 Regular Session of the Legislature of Alabama approved August 8, 1979, entitled "An Act relative to Class 4 and 5, and 7 and 8 municipalities in this state having a population of not less than 25,000 and not more than 99,999 inhabitants or a population of 11,999 or less inhabitants according to the last or any subsequent Federal decennial census; authorizing each such municipality to acquire properties suitable for use by any commercial enterprise in furnishing hotel services, including food or lodging or both, and the rental of ground floor space or other accommodations to others engaged in any business, trade, profession, occupation or activity; authorizing such municipalities to lease such properties subject to certain specified requirements; authorizing such municipalities to finance the acquisition of such properties by the issuance of revenue bonds payable solely out of the revenues from the leasing of such properties and to secure such bonds by pledges of such revenues and leases and by mortgages on such properties; providing that all such bonds shall be negotiable instruments; authorizing the refunding of any such bonds; providing for remedies in the event of default respecting any bonds issued under the act; exempting from taxation such properties and the revenue from the lease thereof, such bonds and the income therefrom, all mortgages executed as security therefor and all lease agreements made hereunder; prohibiting any such municipality from making contributions to the cost of any such properties and from furnishing land therefor; providing that such bonds and any agreements made in connection therewith shall not constitute an indebtedness of a municipality or a pecuniary liability of any kind; providing that such bonds shall be legal investments for savings banks and insurance companies organized under the laws of this state; providing the purposes for which the proceeds from the sale of such bonds may be used; providing that no notice to or consent or approval by any governmental body or public officer shall be a prerequisite to the issuance of such bonds or the securing thereof," so as to make said Act applicable to Class 6 municipalities in the state.

Be It Enacted by the Legislature of Alabama:

Section 1. That the title of Act No. 79-722 adopted at the 1979 Regular Session of the Legislature of Alabama, approved August 8, 1979 (herein called "Act No. 79-722") shall be and is hereby amended to read as follows:

"Relative to Class 4, 5, 6, 7 and 8 municipalities in this state having a population of not more than 99,999 inhabitants according to the last or any subsequent Federal decennial census; authorizing each such municipality to acquire properties suitable for use by any

commercial enterprise in furnishing hotel services, including food or lodging or both, and the rental of ground floor space or other accommodations to others engaged in any business, trade, profession, occupation or activity; authorizing such municipalities to lease such properties subject to certain specified requirements; authorizing such municipalities to finance the acquisition of such properties by the issuance of revenue bonds payable solely out of the revenues from the leasing of such properties and to secure such bonds by pledges of such revenues and leases and by mortgages on such properties; providing that all such bonds shall be negotiable instruments; authorizing the refunding of any such bonds; providing for remedies in the event of default respecting any bonds issued under the act; exempting from taxation such properties and the revenue from the lease thereof, such bonds and the income therefrom, all mortgages executed as security therefor and all lease agreements made hereunder; prohibiting any such municipality from making contributions to the cost of any such properties and from furnishing land therefor; providing that such bonds and any agreements made in connection therewith shall not constitute an indebtedness of a municipality or a pecuniary liability of any kind; providing that such bonds shall be legal investments for savings banks and insurance companies organized under the laws of this state; providing the purposes for which the proceeds from the sale of such bonds may be used; providing that no notice to or consent or approval by any governmental body or public officer shall be a prerequisite to the issuance of such bonds or the securing thereof".

Section 2. That Section 1 of Act No. 79-722 shall be and is hereby amended to read as follows:

"Section 1. DEFINITIONS. Wherever used in this act, unless a different meaning clearly appears in the context, the following terms, whether used in the singular or plural, shall be given the following respective interpretations: "Municipality" means any Class 4, 5, 6, 7 and 8 incorporated city in this state having a population of not more than 99,999 inhabitants according to the last or any subsequent Federal decennial census; "Project" means any land and any building or other improvement thereon, and all real and personal properties deemed necessary in connection therewith, whether or not now in existence, which shall be suitable for use by any commercial enterprise in furnishing hotel services, including food or lodging or both, and the rental of ground floor space or other accommodations to others engaged in any business, trade, profession, occupation or activity; "Governing body" means the board or body in which the legislative powers of the municipality are vested; "Mortgage" means a mortgage or a mortgage and deed of trust.

Section 3. Act No. 79-722, as herein amended, is hereby adopted, approved, ratified and confirmed in all respects.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1980

Time: 8:30 P.M.

Act No. 80-316

S. 393—Mitchem, Denton, Britnell,
Miller, Holmes, Kirkland,
Higginbotham and McDonald

AN ACT

Relating to the promotion of the production, distribution, improvement, marketing, use and sale of soybeans and soybean products; to amend Section 2-8-88 of the Code of Alabama 1975, so as to increase the intervals between referendums on the assessments imposed on the sale of soybeans for such promotion from three to five years; to amend Section 2-8-91 so as to delete the three percent of the total assessment that the buyer collects for handling said assessments; to repeal Section 2-8-93, Code of Alabama 1975, so as to eliminate the exemption from the payment of such assessment at the point of sale; and to provide for a referendum within 90 days of the effective date hereof.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 2-8-88 and 2-8-91 of the Code of Alabama 1975 is hereby amended to read as follows:

“§2-8-88. Any referendum conducted under the provisions of this article may be held on a statewide basis pursuant to rules and regulations adopted by the state board of agriculture and industries for the holding of such referendum. All producers of soybeans who shall be subject to any assessments levied under the provisions of this article and who produced soybeans in the crop year immediately preceding the referendum shall be entitled to vote in the referendum. In such referendum, individuals so eligible for participation therein shall vote upon the question of whether there shall be levied an assessment for a period of five years in an amount set forth in the call for such referendum, which amount shall not exceed the limitations prescribed by this article.

“§2-8-91. In the event the required number of soybean producers approve, by a referendum as provided in this article, the levying of an assessment upon the sale of soybeans for a promotional program, the commissioner of agriculture and industries shall,

within 30 days, notify in writing every person engaged in the business of buying soybeans, whether said buyers are located within the state of Alabama or not, that on or after the date designated in such notice, which shall not be less than 30 nor more than 60 days after the mailing of such notice by the commissioner of agriculture and industries, that the amount of the assessment levied pursuant to the referendum shall be deducted by all purchasers of soybeans from the sale price thereof where such soybeans are purchased within the state. The deductions of assessments as required by this article shall be deducted by the first purchaser from the grower of the soybeans. 'First purchaser' means any person that buys soybeans from the grower in the first instance, or any lienholder or pledgee, public or private, or assignee of said lienholder, secured party or pledgee who gains title to the soybeans from the grower as the result of exercising any legal rights by the lienholder, secured party, pledgee or assignee thereof, regardless of when the lien, security interest or pledge was created. 'First purchaser' also includes any person, public or private, who acquires a lien or security interest or receives a pledge of the soybeans after said soybeans are harvested. On or before the tenth day of each calendar month, all assessments so deducted by the first purchaser shall be remitted to the commissioner of agriculture and industries. The books and records of all such purchasers of soybeans subject to the deductions or assessments levied under this article shall at all times during regular business hours be open for inspection by the commissioner of agriculture and industries or his duly authorized representatives or agents for the purpose of ascertaining the accuracy of amounts remitted under this article. The commissioner of agriculture and industries shall be entitled to deduct three percent of all sums remitted to the department of agriculture and industries under this article to defray expenses incident to collection and administration thereof. The amount thus deducted by the commissioner for expenses incident to the administration of this article shall be paid into the state treasury to the credit of the agricultural fund."

Section 2. Section 2-8-93 is hereby expressly repealed.

Section 3. Within 90 days after the effective date hereof, a referendum shall be held in accordance with Section 2-8-88 of the Code of Alabama 1975, as amended.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1980

Time: 8:30 P.M.

Act No. 80-317

S. 493—Taylor

AN ACT

Relating to Wilcox County; to provide certain expense allowances for the Tax Assessor and Tax Collector of said county and to repeal all conflicting statutes.

Be It Enacted by the Legislature of Alabama:

Section 1. The County Commission or like governing body of Wilcox County may provide the Tax Assessor with an expense allowance in the amount not to exceed four hundred dollars (\$400.00) per month, and may provide the Tax Collector with an expense allowance in the amount not to exceed three hundred (\$300.00) per month, in addition to any salary or expense allowances now provided by law. Such allowances shall be paid in equal monthly installments out of the County General Fund.

Section 2. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not effect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective October 1, 1980.

Approved May 6, 1980

Time: 8:30 P.M.

Act No. 80-318

S. 541—Mitchem

AN ACT

To provide for distribution of the share of in-lieu-of-taxes payments of T.V.A. for Marshall County and the appropriate municipalities therein.

Be It Enacted by the Legislature of Alabama:

Section 1. The distribution of the share of in-lieu-of-taxes payments of T.V.A. for Marshall County and the appropriate municipalities therein shall be as follows:

(A) 25% of the total amount allocated to Marshall County and the appropriate municipalities therein shall be distributed between the Marshall County Board of Education, the Arab Board of Education and the Guntersville Board of Education on a per pupil basis based on the student enrollment of the respective schools at the beginning of each school year;

(B) Of the remaining amount received by the Marshall County Commission:

- (1) 20% shall go to the county road and bridge fund, and
- (2) the remaining amount of the county's share shall be paid into the county general fund.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective April 1, 1981.

Approved May 6, 1980

Time: 8:30 P.M.

Act No. 80-319

S. 543—Taylor

AN ACT

Relating to Lowndes County; providing for clerical assistance for the tax assessor and tax collector of such county until September 1, 1980; and giving this act retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. The tax assessor of Lowndes County may appoint two full-time clerks and the tax collector of such county may appoint one full-time clerk, such clerks to serve until September 1, 1980, under the direction and at the pleasure of the tax assessor and tax collector respectively. The Lowndes County Commission shall fix the salaries of such clerks at an amount not to exceed \$550 per month. Such salaries shall be paid from the general fund of the county and shall be paid either according to an hourly rate or a monthly rate within the discretion of such county commission.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. The provisions of this act shall be retroactive to April 1, 1977, and all actions taken and payments made pursuant thereto on and after that date are ratified and confirmed.

Approved May 6, 1980

Time: 8:30 P.M.

Act No. 80-320

S.J.R. 165—Martin and Little

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF WILLIAM KELLY LITTRELL OF HARTSELLE, ALABAMA.

WHEREAS, the Alabama Legislature has been deeply shocked and saddened by the tragic death of William Kelly Littrell, Jr., on April 14, 1980, at the age of just 17 years; and

WHEREAS, young Kelly Littrell, who was a senior and an outstanding athlete at Hartselle High School, died as the result of an automobile accident which occurred as he was enroute to the First Methodist Church of Hartselle to be recognized during "Senior Appreciation Day" ceremonies at his church; and

WHEREAS, deeply involved and committed to athletics, Kelly was a member of his school's varsity football team, leading the state's 3A schools in interceptions in his senior season as a safety, as well as leading his team in pass receptions; he also played basketball for the Tigers, as a forward, excelling on the court as well as on the gridiron; and

WHEREAS, beloved of family and friends, Kelly Littrell was a fine young man with outstanding potential for future success and had been awarded a football scholarship with the University of North Alabama; and

WHEREAS, his football jersey and helmet, and Kelly's number 86, have been retired by his fellow students, all of whom have been sorely grieved by the loss of a close friend who endeared himself to all whose lives he touched; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of William Kelly Littrell, Jr., and extend our most heartfelt sympathy to his family who, even in their grief, are grateful for the gift of Kelly's life.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to his parents, Mr. and Mrs. Bill Littrell, and to his grandmothers, Mrs. Thelma Ward and Mrs. Jo Littrell, that they, Kelly's sister and brothers, and other family members may know of our shared sorrow in their great loss.

Approved May 6, 1980

Time: 8:30 P.M.

Act No. 80-321

S.J.R. 166—St. John, Bailey, Barron,
 Britnell, Callahan, Clemon,
 Cook, deGraffenried, Denton,
 Figures, Glass, Goodwin,
 Gullledge, Hall, Harrison,
 Higginbotham, Holmes, Keener,
 Kirkland, Lemaster, Little,
 McDonald, Martin, Miller,
 Mitchem, Parsons, Pearson,
 Proctor, Robertson, Smith,
 Taylor, Teague, Vacca, Weeks
 and White

SENATE JOINT RESOLUTION

EXTENDING A WARM WELCOME TO A NATIVE SON,
 HONORABLE WAYNE MIXSON, LIEUTENANT
 GOVERNOR OF FLORIDA.

WHEREAS, April 29 is being declared “Wayne Mixson Day”
 in the State of Alabama, in honor of a distinguished native son; and

WHEREAS, The Honorable Wayne Mixson, Lieutenant
 Governor of the State of Florida, is a native of New Brockton,
 Alabama, and lived there through his high school years; and

WHEREAS, Lieutenant Governor Mixson, a cattleman and
 farmer, is descended from a line of distinguished Alabamians; his
 great-grandfather, Gappa T. Yelverton, and his great-uncle, John
 B. Simmons, served in the Alabama House of Representatives; Mr.
 Simmons was also the founder of the City of Elba; and

WHEREAS, He has brought honor to his native state through
 his distinguished career and his many outstanding achievements;
 now, therefore,

BE IT RESOLVED BY THE LEGISLATURE OF
 ALABAMA, THE HOUSE OF REPRESENTATIVES
 CONCURRING, That we do heartily endorse the proclamation of
 April 29 as “Wayne Mixson Day”, in honor of the Lieutenant
 Governor of Florida, and extend to him our profound
 congratulations on this well-deserved honor.

BE IT FURTHER RESOLVED That a copy of this Resolution
 be presented to Lieutenant Governor Mixson.

Approved May 6, 1980

Time: 8:30 P.M.

Act No. 80-322

S.J.R. 169—Barron

SENATE JOINT RESOLUTION

COMMENDING MISS DONNA BARROW FOR BEING
CHOSEN 1980 ALABAMA TEXTILE QUEEN.

WHEREAS, Miss Donna Barrow of Montgomery, Alabama, the daughter of Reverend and Mrs. Gilbert Barrow, was recently crowned as the Alabama Textile Queen during the annual pageant held in Montgomery; and

WHEREAS, the beautiful, poised, personable and articulate Miss Barrow travels throughout the Southeast representing the largest industrial employer in Alabama; and

WHEREAS, the talented Miss Barrow, a junior at Samford University, majoring in business, has won numerous honors and titles; and while attending Robert E. Lee High School, her honors included being a Student Council Representative, Tri-Hi-Y Treasurer, a Representative to the Youth Legislature, Man of the Year Committee, Anchor Club, Psychology Club, President of the Church Youth Council, Homecoming Queen nominee, and accompanist for the Choralees; and

WHEREAS, at Samford University, Donna has served on the Yearbook Staff, is a member of the American Home Economics Association, Association of Business Majors, Baptist Student Union, Campus Ministries, Alpha Delta Pi Sorority, and received the 1979 Outstanding Scholarship Pledge Class Award, and among her other accomplishments she is an experienced model as well as a talented pianist and speaker; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we sincerely commend Miss Donna Barrow for being selected the 1980 Alabama Textile Queen and wish this lovely, talented young lady from Montgomery, the best in all of her future endeavors.

Approved May 6, 1980

Time: 8:30 P.M.

Act No. 80-323

S.J.R. 173—Kirkland, Bailey, Barron,
Britnell, Callahan, Clemon,
Cook, deGraffenried, Denton,
Figures, Glass, Goodwin,
Gulledge, Hall, Harrison,

Higginbotham, Holmes, Keener,
 Lemaster, Little, McDonald,
 Martin, Miller, Mitchem,
 Parsons, Pearson, Proctor,
 Robertson, Smith, St. John,
 Taylor, Teague, Vacca, Weeks
 and White

SENATE JOINT RESOLUTION

**MOURNING THE DEATH OF MR. B. ROPER DIAL,
 PROMINENT BIRMINGHAM BUSINESSMAN AND CIVIC
 LEADER.**

WHEREAS, the Legislature of Alabama has been deeply saddened by the death of Mr. B. Roper Dial of Birmingham, Alabama, on Friday, April 18, 1980, at the age of 69; and

WHEREAS, a retired career executive of the Sears, Roebuck and Company, and a longtime resident of Birmingham, Mr. Dial was the father of Mrs. Ann Louise Dial McMillan and the father-in-law of Lieutenant Governor George D. H. McMillan, with whom we deeply grieve, as with all members of Mr. Dial's family; and

WHEREAS, Mr. Dial was a member of Southside Baptist Church and was further involved, in service to others, as a member of the board of directors of the American Red Cross, Birmingham Urban League, Alabama State Chamber of Commerce, Alabama Council of Retail Merchants, Better Business Bureau, Operation New Birmingham, and the Birmingham Centennial Corporation; and

WHEREAS, he also was a past president of Alabama Hereford Breeders Association, director of Ebsco Industries, served on the advisory committee for Birmingham Trust National Bank-Bank for Savings and Trust, and was a member of the Board of Trustees of Samford University, The Club, Salvation Army, Birmingham Symphony Association and past chairman of the Birmingham Baptist Hospitals Board; and

WHEREAS, his many activities and involvement extended further to include membership in the Birmingham Kiwanis Club, the Monday Morning Quarterback Club, Vestavia Country Club, Relay House and the Downtown Club; and

WHEREAS, in the death of Mr. B. Roper Dial, the City of Birmingham and, indeed, the entire State of Alabama have lost an outstanding citizen whose contributions in business, civic and charitable affairs will long be remembered in deep appreciation of such sacrificial service; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mr. B. Roper Dial and direct that copies of this resolution be provided for his wife, Mrs. Louise Davenport Dial, for his daughter, Mrs. Rebecca Dial Warner, and for our friends, Ann and George McMillan, and other family members with whom we share deep grief and sorrow.

Approved May 6, 1980

Time: 8:30 P.M.

Act No. 80-324 S.J.R. 174—deGraffenried, Cook, Robertson,
Bailey, Barron, Britnell,
Callahan, Clemon, Denton,
Figures, Glass, Goodwin,
Gulledge, Hall, Harrison,
Higginbotham, Holmes, Keener,
Kirkland, Lemaster, Little,
McDonald, Martin, Miller,
Mitchem, Parsons, Pearson,
Proctor, Smith, St. John,
Taylor, Teague, Vacca, Weeks
and White

SENATE JOINT RESOLUTION

RECOGNIZING COACH CHARLES MARTIN NEWTON FOR EXTRAORDINARY ACHIEVEMENT AS HEAD BASKETBALL COACH FOR THE UNIVERSITY OF ALABAMA.

WHEREAS, the followers of Crimson Tide basketball have been most fortunate during the past 12 years to know and enjoy a quality of basketball that is fitting of the winning tradition associated with The University of Alabama; and

WHEREAS, during this 12-year period, Alabama basketball has gained national prominence and respect, due in the largest measure to Charles Martin (C.M.) Newton, the great basketball coach of The University of Alabama whose leadership, coaching skill, foresight, and influence impacted on the youth of the State of Alabama, inciting an increased interest in the game of basketball and causing them to increase their skills and knowledge of the game; and

WHEREAS, Coach Newton and his able assistants conducted

numerous clinics for coaches and young players, greatly increasing their knowledge of winning basketball, and making the State of Alabama a national recruiting ground for college coaches; and

WHEREAS, the lasting contribution that Coach Newton made to basketball in this State is in and of itself an accomplishment worthy of special recognition by this legislative body, but even more worthy are the high principles of life which guided his conduct, both on and off the court; and

WHEREAS, the great class and high example which characterized his every action brought great credit upon The University of Alabama and upon himself personally; and

WHEREAS, he was viewed among his coaching peers, sports writers, and followers of the game as the epitome of what a basketball coach ought to be; and

WHEREAS, he was hired as basketball coach at The University of Alabama by the great Paul "Bear" Bryant for precisely this reason; and

WHEREAS, during his 12 years at The University of Alabama and the 12 years he spend previously at Transylvania College in Lexington, Kentucky, this great player and pupil of the legendary Adolph Rupp amassed a total of 380 wins, ranking him 11th in total victories among the nations's "Top Twenty Basketball Coaches;" and

WHEREAS, a total of 211 of these victories against only 123 losses were recorded at The University of Alabama, almost exclusively with players who grew up on the hardwoods in this State, attesting to the quality of basketball that he helped to create in the State of Alabama; and

WHEREAS, he led the last nine of his Crimson Tide teams to winning seasons, while engaging the nation's top basketball powers in pre-Southeastern Conference and post-season competition; and

WHEREAS, during the last eight years, his Crimson Tide teams won or tied for the Southeastern Conference title three times, played in the NCAA tournament twice, and the National Invitational Tournament four times, the only times in the long history of The University of Alabama that its basketball teams had been invited to participate in either of these tournaments; and

WHEREAS, he was ably assisted in establishing this enviable record by Assistant Coach Winfrey "Wimp" Sanderson, whom The University of Alabama has selected to be its next Head Basketball Coach; and

WHEREAS, the followers of Crimson Tide basketball are saddened at the retirement of C. M. Newton from the coaching profession but are gratified that his new position as Assistant Commissioner for Administration of the Southeastern Conference will enable the people of our State and region to continue to benefit from his great leadership, character, knowledge, and example; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it formally recognizes the great achievements of Coach Charles Martin (C. M.) Newton and expresses its profound gratitude to this great coach and disciple of the game of basketball for his magnificent contributions to the advancement of the caliber of the sport in Alabama and for the tremendous impact that this special human being has brought to the character of the young people of our State.

BE IT FURTHER RESOLVED, That this resolution be spread upon the permanent record of the Legislature of the State of Alabama and that a copy be sent to Mr. C. M. Newton to be shared by his family, assistant coaches, players, and the followers of Crimson Tide basketball.

Approved May 6, 1980

Time: 8:30 P.M.

Act No. 80-325

H. 41—Bennett, Amari

AN ACT

This Act, "The Excellence in Local Education Act," makes legislative findings and pursuant to such findings requires by October 1, 1982 local county or city governing bodies to have local tax-based funding to support local schools in an amount equivalent to ten mills of ad valorem tax in order for local school systems to receive a full allocation under the minimum program law.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act may be referred to by its short title, "The Excellence In Local Education Act."

Section 2. The Legislature of Alabama finds that

(1) Education is fundamental to the development and progress of Alabama and its citizens;

(2) The citizens of Alabama will benefit from a diversity of educational programs and innovations which extend beyond

minimum education requirements; and

(3) Local school programs which are productive of academic excellence best can be achieved through increased local fundings.

Section 3. Notwithstanding any provision of Code of Alabama (1975) §16-13-50 through §16-13-59, commencing October 1, 1982 the appropriate local governing body must insure that local school systems within its jurisdiction are receiving an amount of local tax receipts equivalent to ten mills of school tax as computed from the most current assessed valuation of property which comprises the school district. The State Superintendent of Education shall determine compliance with this provision of the law in accordance with rules or procedures adopted by the State Board of Education. In determining compliance for a county school system, tax revenues provided to the county school system from the county, from whatever tax source derived, shall be considered. In determining compliance for a city school system, tax revenues provided to the city system by the county and the city, from whatever tax source derived, shall be considered.

Section 4. It is not the intention of the Legislature to require, and the Legislature expressly so declares that it does not require, any county to provide funding to any city school system beyond the city school system's pro rata share of any county-wide tax.

Section 5. Should any county or city governing body fail to provide an amount of local tax support for its respective county or city school system in an amount equivalent to ten mills of ad valorem tax as previously described in Section 2 of this Act, the minimum program fund allocation for the county or city system, as the case may be, shall be reduced by an amount equal to the difference between the amount of tax support actually provided and the amount of tax support which ten mills of ad valorem tax would have provided.

Section 6. It is further stipulated that the penalty provisions of this Act shall not apply in cases where counties or cities show such unusual tax growth that they produce local effort amounting to at least 18% of their total school budgets from local sources at the time of the passage of this Act.

Section 7. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which has not been declared invalid or unconstitutional.

Section 8. This Act shall take effect upon its passage and approval by the Legislature and signature of the Governor or upon its otherwise becoming law.

Approved May 6, 1980

Time: 8:30 P.M.

Act No. 80-326

H. 527—Turner

AN ACT

Relating to Mobile County; to increase the raccoon limit during hunting season from two to five raccoons per day.

Be It Enacted by the Legislature of Alabama:

Section 1. Any rule or regulation promulgated by the Department of Conservation and Natural Resources notwithstanding, in Mobile County any person taking, catching, killing or attempting to take, catch or kill any raccoons during hunting season, shall hereinafter be allowed to take, catch or kill not more than five raccoons per day.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1980

Time: 8:30 P.M.

Act No. 80-327

H. 49—Gafford

AN ACT

To require any public water works board in a Class 1 municipality in the state to pay 6½% interest per annum on all customer security deposits required for services.

Be It Enacted by the Legislature of Alabama:

Section 1. Any public water works board in a Class 1 municipality in the state shall pay 6½% interest per annum on all customer security deposits required for utility service. Such interest shall be paid under such rules and regulations as shall be promulgated by the municipal governing body.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1980

Time: 8:30 P.M.

Act No. 80-328

H. 193—Sandusky

AN ACT

Relating to Mobile County; providing for an additional expense allowance for the tax collector.

Be It Enacted by the Legislature of Alabama:

Section 1. The tax collector of Mobile County shall receive an additional expense allowance of \$250.00 per month, payable from the county general fund in monthly installments.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1980

Time: 8:30 P.M.

Act No. 80-329

H. 236—Zoghby

AN ACT

Relating to Mobile County; providing for the position of supernumerary county treasurer; and providing for the duties, qualifications, and compensation of any such officer.

Be It Enacted by the Legislature of Alabama:

Section 1. Any county treasurer in Mobile County:

(a) Who has served for 15 years as such official and is totally and permanently disabled to serve as such official, upon proof of such disability being made by certificate of three reputable physicians; or (b) who has served for 18 years as such official and who is not less than 65 years of age may elect to become a

supernumerary county treasurer by filing a written declaration to that effect with the county commission of the county. If the county commission finds that the applicant is qualified, the county commission shall issue a commission as supernumerary county treasurer to any such applicant.

Section 2. Every supernumerary county treasurer shall serve for life and shall receive from the county governing body in equal monthly installments on the first of each month an annual salary of 65% of the salary paid to the county treasurer exclusive of any expense allowances to be paid from the county general fund. In the event of a vacancy in the office of county treasurer, the county governing body may appoint any one supernumerary county treasurer to serve as acting county treasurer until a permanent successor is elected or otherwise selected.

Section 3. The county governing body of Mobile County shall begin deducting upon the effective date of this act from the salary of the county treasurer an amount equal to four per cent of the monthly salary paid such official. If any person subject to the provisions of this act shall end his tenure of office prior to becoming a supernumerary as provided herein, any amounts paid by him into the county general fund under the provisions of this section shall be repaid to him.

Section 4. Every official covered by this act shall be subject to the terms thereof unless he notifies the county governing body to the contrary thirty days prior to the effective date of this act or within thirty days after assuming office if he is not in office on such date.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1980

Time: 8:30 P.M.

AN ACT

Relating to Mobile County; providing for the compensation and payment of an expense allowance of the members of the county governing body.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the Mobile County Commission, the governing body of Mobile County, shall each receive an annual salary of thirty thousand dollars (\$30,000.00). Such compensation shall become effective at the beginning of the next term of said county commission or other like governing body. In addition thereto, each member of the commission shall continue to receive an expense allowance of two hundred fifty dollars (\$250.00) per month, as authorized by Act No. 715 of the Regular Session of the 1977 Legislature and subsequent amendments. Said salaries and expense allowances shall be paid in equal monthly installments from any funds in the county treasury available for that purpose, as provided by law.

Section 2. All laws or parts of laws which conflict with this Act are repealed except that said Act No. 715 of the 1977 Regular Session shall remain in full force and effect.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon it otherwise becoming a law.

Approved May 6, 1980

Time: 8:30 P.M.

Act No. 80-331

H. 525—Turner

AN ACT

Relating to Mobile County; to provide further for notice to delinquent taxpayers by the tax collector prior to sale for taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. At least 30 days prior to the sale of land upon which taxes have not been paid, the tax collector of Mobile County shall give notice in writing of the proposed sale by registered mail at the last known address of the owner. Failure to comply with the provisions of this Act shall not invalidate the title to any property sold for taxes.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1980

Time: 8:30 P.M.

Act No. 80-332

H. 684—Zoghby

AN ACT

Relating to Mobile County; To amend Act 57, H. 438, p. 310, Acts of Alabama of 1971 authorizing the Board of Health of said County to fix a schedule of fees for services rendered pursuant to the duties with which the Board is charged; to provide for the approval of such fee schedule by the County Commission of Mobile County, Alabama and the automatic increase of such fees.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1., Act 57, H. 438, p. 310, Acts of Alabama of 1971, is hereby amended to read as follows:

“Section 1. The Board of Health of Mobile County is hereby authorized to charge and collect any fee it deems necessary and proper for any service rendered by its officers, employees or agents in the performance of duties, functions and programs required by law or by regulation or resolution of the County or State Board of Health. The Board of Health of Mobile County may fix a schedule of fees which shall cover the actual cost or a portion thereof involved in the performance of the service rendered. Any fee schedule fixed pursuant to this Act shall not go into effect until adopted by the County Commission of Mobile County, Alabama. The schedule of fees fixed by the Board of Health and adopted by the County Commission may be increased by the Board from time to time as is necessary to reflect cost of living increases in pay of Mobile County merit system classified personnel employed by the Board as may hereafter be authorized by the Personnel Board of Mobile County.”

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. The provisions of this Act are severable. If any provision of this Act is held to be invalid or unconstitutional, the remainder of this Act shall not be affected thereby, and shall remain in full force and effect.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1980

Time: 8:30 P.M.

Act No. 80-333

H. 722—Buskey

AN ACT

To amend Act No. 248, S. 279, 1947 Regular Session (Local Acts 1947, p. 172) authorizing and providing for the establishment, maintenance, operation and financing of a public law library in Mobile County, so as to provide for the taxing and collecting of library fees in Mobile County for the operation of such law library.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 248, S. 279, 1947 Regular Session (Local Acts 1947, p. 172) is hereby amended to read as follows:

“An Act to authorize and provide for the establishment, maintenance, operation and financing of a public law library in Mobile County; to authorize the governing body of said county to expend public funds under its control therefor; to provide for the taxing and collecting of library fees in certain courts in said county for such purpose and for the expenditure thereof; to designate the officers to accomplish said purpose and to define the powers and duties of such officers with respect thereto, and the designation of personnel to operate said library, or to assist therein, and the employment of additional personnel for said purpose, and the payment of the salaries of such personnel.

“Be It Enacted by the Legislature of Alabama:

“Section 1. The county commission of Mobile County is hereby fully authorized to establish and maintain a public law library in said county, and, to accomplish said purpose, may, from time to time, expend such public funds of said county, as are not required by law to be expended for any other purpose or purposes; to provide suitable housing quarters, furniture, fixtures and equipment therefor; to keep the same in a good state of maintenance and repair; and, from time to time, to enlarge, expand and improve such library, facilities and equipment; and, from time to time, to provide such books, reports and periodicals for said library as are not provided therefor out of the proceeds of the special fund created by this act or otherwise; and to pay the salaries of a librarian and such other personnel as may be necessary and proper to operate the same, to the extent that such salaries are not paid out of the proceeds of such special fund; which expenditures shall, from time to time, be made on warrants drawn in the usual manner, upon the county treasurer, payable out of appropriate fund or funds.

“Section 2. For the support and maintenance of the public law library, a library fee of two dollars shall be paid in all causes and cases of whatever nature in the district and circuit courts of Mobile County, to be collected as other court costs are collected and paid at

the same time as docket or filing fees are paid. Said library fees shall be paid in all proceedings wherein a docket or filing fee is paid.

"Section 3. The sums herein provided to be paid to the treasurer of Mobile County, Alabama, shall be kept by him in a separate fund designated as 'Mobile County Law Library Fund' and shall be expended by the presiding judge of the circuit court of Mobile County, for maintaining said law library. Said presiding judge shall draw warrants on the treasurer for expenditures by him indicating on the warrants the funds against which the warrants are drawn. Said fund shall be used primarily to purchase such books and periodicals, and to pay the salaries of such personnel, as may in the opinion of the said presiding judge be advisable, but to the extent not so used such funds may be otherwise expended for the maintenance of said library. The management of the said law library is vested in said presiding judge and all books or other property purchased with the funds produced by this act shall be the property of Mobile County: provided, however, that the said judge may from time to time sell or exchange any such books, reports, periodicals, and personal property, and apply the proceeds of the sale thereof, or the value thereof, upon the purchase of other books, reports, periodicals and personal property for use in said library, and said judge may accept any gift or loan of any books, reports, periodicals and property for public use in said library upon such terms and conditions as may be stipulated by the donor or lender thereof and as may be agreeable to the said judge. Said presiding judge may appoint such personnel as may be necessary or proper to operate said library, and, to the extent that circumstances permit, may designate the circuit clerk, or one or more deputy circuit clerks, to operate the same or to assist therein.

"Section 4. The said items of cost above referred to shall be designated in said respective courts as 'Law Library Fee' and when any part of the costs in such a case or proceeding shall have been paid the amount necessary for the payment of said fee shall be applied thereto before applying any of the amount paid as costs to any other item of cost. On or before the 10th day of each month, the clerk of the respective courts shall pay to the said county treasurer the amounts collected for said law library fees previous to the 1st day of the month.

"Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

"Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1980

Time: 8:30 P.M.

Act No. 80-334

H. 801—Rains, Kelley, Harvey

AN ACT

Relating to Marshall County; providing for an additional allowance for election officials who work at polling places.

Be It Enacted by the Legislature of Alabama:

Section 1. In Marshall County, election officials who work at polling places are hereby entitled to an additional per diem allowance in such amount as will, together with any amount paid by the state make the total paid to such officials twenty-five dollars (\$25.00) for each day they work at the polls. If the amount paid to such officials as compensation or expense allowance by the state increases in the future, then the amount paid by the county under this Act shall automatically decrease in a like amount. In addition, said election officials shall be entitled to a mileage allowance at the same rate as the mileage allowance allowed state employees. The expense allowances provided for in this Act shall be paid from the general fund of the county.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1980

Time: 8:30 P.M.

Act No. 80-335

H. 831—Turner

AN ACT

Relating to Mobile County; to provide for additional expense allowances for the chairman and members of the Board of Equalization.

Be It Enacted by the Legislature of Alabama:

Section 1. The chairman of the Mobile County Board of Equalization shall receive an additional expense allowance of \$2,250.00 per year and the members of the board shall each receive an additional expense allowance of \$2,250.00 per year. Said expense allowance shall be given to cover expenses incurred by them in and about the performance of their duties as such officers. These allowances shall be in addition to any salary or allowance now allowed to them by law, and shall be paid to them monthly from the general funds of the county.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1980

Time: 8:30 P.M.

Act No. 80-336

H. 832—Turner

AN ACT

Relating to Mobile County; to provide that a person will be subject to arrest and prosecution for theft if he picks up a dog wearing a collar and tag which identifies the owner and the person fails to return the dog or notify the owner of his possession of the dog.

Be It Enacted by the Legislature of Alabama:

Section 1. Any person who picks up a dog wearing a collar and name plate bearing the name and address of the owner of the dog must make contact with the owner and deliver the dog to the owner, or return the dog to the place where the dog was picked up, if the person fails to carry out the provisions of this section, he shall be subject to arrest and prosecution for the crime of theft as provided in chapter 8 of title 13A of the Code of Alabama 1975.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1980

Time: 8:30 P.M.

Act No. 80-337

H. 848—Kelley, Rains

AN ACT

To alter or rearrange the boundary lines of the Town of Douglas, Marshall County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Marshall County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the Town of Douglas, Marshall County, Alabama, be, and the same are hereby altered or rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the Town of Douglas, Alabama, and in addition thereto the following described territory:

Northwest fourth of Northeast fourth, Southwest fourth of Northeast fourth, Southeast fourth of Northwest fourth, Southwest fourth of Northwest fourth, and the Northwest fourth of Southwest fourth and the East half of Northwest fourth of Northwest fourth, of Section 16, Township 10 South, Range 3 East.

Northeast fourth of Northeast fourth, Southeast fourth of Northeast fourth, Northeast fourth of Southeast fourth, Northwest fourth of Southeast fourth, also; North half of the Southwest fourth of the Southeast fourth in Section 17, Township 10 South, Range 3 East.

Northwest fourth of Northwest fourth, Northeast fourth of Northwest fourth, Northwest fourth of Northeast fourth, Northeast fourth of Northeast fourth and the Southeast fourth of Northeast fourth of Section 15, Township 10 South, Range 3 East.

Also, Northwest fourth of Northwest fourth, Southwest fourth of Northwest fourth, Southeast fourth of Northwest fourth, Southwest fourth of Northeast fourth, Southeast fourth of Northeast fourth, Northeast fourth of Southwest fourth, Southeast fourth of Southwest fourth, Southwest fourth of Southeast fourth and the Northwest fourth of Southeast fourth, Section 14, Township 10 South, Range 3 East.

Also, Southeast fourth of Northeast fourth, Northwest fourth of Northeast fourth, Northeast fourth of Northwest fourth and all that part of Northwest fourth of Northwest fourth that lies North of Reedbrake Creek in Section 10, Township 10 South, Range 3 East.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1980

Time: 8:30 P.M.

Act No. 80-338

H. 857—Zoghby

AN ACT

Relating to Mobile County; providing for the compensation of the county treasurer.

Be It Enacted by the Legislature of Alabama:

Section 1. Commencing with the beginning of the next term of office, the salary of the county treasurer in Mobile County shall be \$19,000 per annum, payable out of the county general fund the same as are the salaries of other county officials. The compensation provided for herein shall be in lieu of all other salary or compensation heretofore provided by law.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1980

Time: 8:30 P.M.

Act No. 80-339

H. 875—Bedsole

AN ACT

To amend Section 16 (a) (b) (1) (2) (3) (c) (d) and add Section 30, of Act No. 243, H. 278, first special session, 1964, as amended, which establishes the Pension and Relief System for policemen and firemen of the city of Mobile, by adjusting the pension benefits to be received by the surviving spouse of certain members of the police and fire departments of the city of Mobile and by providing a refund of contribution made by any member of said departments in the event of said member's death prior to said member's spouse becoming eligible for a survivor's benefit, and providing for a refund of contributions made by any member whose employment with said department is terminated prior to death; and to provide that any city employee who is transferred to the police or fire departments upon compliance with certain requirements will be given credit for all years of service with the city of Mobile on the pension roll of the Policemen and Firemen Pension and Relief Fund.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 16 (a) (b) (1) (2) (3) (c) (d) of Act No. 243, H. 278, first Special Session, 1964, as amended (Act 1964, page 326) is hereby amended further to read as follows:

“Section 16. (a) In the case of the death of a person eligible for retirement, an allowance shall be paid to the surviving spouse in an amount that would have been payable if the person had retired immediately prior to his death and had elected Option 2, as set forth in Section 28.

“Section 16. (b) In the case of the death of a person not eligible for retirement, after completion of twenty-five (25) years of creditable service, an allowance shall be paid to the surviving spouse in an amount that would have been payable if the person had retired for disability immediately prior to his death and had elected Option 2 as set forth in Section 28 or if the surviving spouse desires, he or she may choose to receive the accumulated contributions of the person in lieu of the allowance provided under Option 2 plus an amount equal to the accumulated contributions of the person not to exceed five thousand dollars (\$5,000.00);

“Section 16. (c) Upon the death of a person on account of whom no survivor allowance is payable under Subdivisions (1) or (2) of this Section, the accumulated contributions of the person plus an amount equal to the accumulated contributions, not to exceed five thousand dollars (\$5,000.00) shall be paid to his or her estate or to such person as he or she shall have nominated by written designation duly executed and filed with the Board of Pensions.

“Section 16. (c) (1) The provisions of Section 16 (a), (b), and (c) are not retroactive and shall not affect the pension now being received by the widow or surviving children of any member of the Police or Fire Department who died prior to the effective date of this Act.

“Section 16. (d) Whenever the employment of a member of the Police and Fire Department of the City shall be terminated for any reason, except death, before eligibility for pension benefits hereunder has been established, the contribution of such employee to the fund shall be refunded in lump sum without interest to the employee. Prior service of employee rehired after termination and refund as herein provided shall not count toward future retirement unless said employee pays into said Policemens and Firefighters Pension Fund the amount of such refund plus interest at the rate of eight percent (8%) per annum from the date of said refund, in which event said employee shall be given credit for such prior service.”

Section 2. All laws or parts of laws in conflict herewith are hereby repealed.

Section 3. The provisions of this act are severable. If any part of this act is declared to be invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1980

Time: 8:30 P.M.

Act No. 80-340

H. 890—Sandusky

AN ACT

Relating to the use of computer technology and equipment to enter, alphabetize, store, maintain, transmit electronically and generally prepare the various index records of the Probate Court of Mobile County as an alternative to the card or strip indexing system authorized by Act 460, 1957 Regular Session of the Alabama Legislature.

Be It Enacted by the Legislature of Alabama:

Section 1. Definition of terms.

The following words, phrases, and terms including the plural of any thereof, whenever used in this act, shall have the following respective meanings:

1. The county means Mobile County, Alabama.
2. The probate office means The Office of the Judge of Probate of Mobile County, Alabama.
3. The probate judge means the Judge of Probate of Mobile County, Alabama.
4. Code means the Code of Alabama, 1975, as amended.
5. Implementation date means the date the probate judge shall begin using computerized methods to prepare the official and permanent index records of the probate judge's office.
6. Miscellaneous instrument means any instrument or document affecting the title to real property recorded in the probate office in volumes bearing the designation Miscellaneous Book or some similar designation as distinguished from a Deed Book, Mortgage Book or Real Property Book.

7. Real Property Instrument means any document or instrument affecting title to real property filed for record in the probate office pursuant to laws of the State of Alabama, including but not limited to, Section 35-4-50 and Section 35-4-51 of the Code of Alabama 1975 and all statutes providing for the filing and recording of notices or statements of liens of any kind, notice of Lis Pendens, declarations of claims of exemption, certificates of Judgments, plats or maps showing subdivision of real estate, certificates of incorporations, amendments, and dissolutions of incorporations and any other document affecting corporations.

8. General Property Instrument means a real property instrument that affects the title to personal property as well as real property.

9. Personal Property Instrument means any instrument or document affecting the title to personal property only (as distinguished from real property) filed or recorded in pursuant to applicable laws of the State of Alabama.

10. Judicial Instrument means instruments or documents relating to administration of estates, wills, adoptions, legitimations, condemnation of land, partition of lands, change of name, or any instrument or document filed in the Judicial Division of the probate judge's office.

11. Real Property Index means direct and reverse index listings of real property instruments filed or recorded in the probate office set up in strict alphabetical order based upon all letters in a name and not merely upon the first letter thereof, the names to be indexed to include not only those of the grantor and grantee in such real property instrument but the names of all persons referred to in each affidavit that is a real property instrument and, in the case of each map that is a real property instrument, the name assigned on such map to any subdivision platted therein and the name of any person signing the map as owner of the land therein platted.

12. Judicial Index means an alphabetical listing of judicial instruments or documents.

13. Judgment Index means a direct and reverse listing in alphabetical order of judgments, state and federal liens and releases of said judgments or liens and may contain any other instrument relating to liens as designated by the judge of probate.

14. Personal Property Index means an index of personal property instruments or documents filed or recorded in the probate office.

15. Map Index means an alphabetical listing of maps or plats of subdivisions, or any other instrument relating thereto as designated by the probate judge, filed or recorded in the probate office.

16. Computerized Methods of Indexing means the use of computer hardware and software to alphabetize, store, assemble, transmit electronically and generally prepare index information and shall include but shall not be limited to the following:

(a) display terminals used to enter, transmit and retrieve index information for specified periods;

(b) computer speed printers used to prepare hard copy index books;

(c) storage of index information using disks, magnetic tape, cartridges, chips, or any other method approved by the probate judge;

(d) computer processors to sort and alphabetize index information;

(e) and any other computer techniques or equipment necessary for preparing the various indexes.

Section 2. The Judge of Probate of Mobile County may, in his discretion, adopt and implement computerized methods as defined in this act for establishing and preparing any or all of the various indexes required by law and currently maintained in the probate office including but not limited to the Real Property, Judgment, Incorporation, Map and Judicial Indexes. Said computerized methods of preparing the indexes shall be, if adopted by the probate judge, an alternative to the card or strip index method presently in use in Mobile County pursuant to Act 460, 1957 Regular Session of the Alabama Legislature.

Section 3. The probate judge shall designate the indexes to be computerized and shall specify their form, content and general make-up. The real property indexes may, in the discretion of the probate judge, contain a brief description to or reference to real estate listed in any instrument indexed therein, provided that such description or reference to real estate shall be included for convenience only and shall not constitute an official record, and provided further, that the probate judge shall not incur any penalty or fine or be liable for any damage on the account of computer malfunction or if an index listing is not in its precise and exact alphabetical order, if the listing is properly placed with respect to the first letter of the name or word indexed.

Section 4. The indexes, designated by the judge of probate, shall consist of computer printed index pages bound as books into chronological periods. Said computer printed index pages, in book form, shall constitute the official and permanent index records of the probate office from the date of implementation, and shall satisfy the requirements of Section 12-13-43, Code of Alabama, 1975 and all other laws of the State of Alabama pertaining to indexes maintained in the probate office. The official and permanent index records maintained in the probate office for the periods prior to the implementation of computerized methods of indexing shall not be affected by this act.

Section 5. The probate judge may sell index information, electronically or in printed form, at a reasonable rate to be determined by the probate judge.

Section 6. Nothing contained herein or elsewhere shall prohibit the judge of probate from reinstating, at any time, the card or strip index method, in whole or in part, as provided for in Act 460, 1957 Regular Session of the Alabama Legislature and nothing shall prohibit the judge of probate from keeping certain designated indexes using the card or strip method as provided for in said act in addition to computerized indexes.

Section 7. The probate judge may, in his discretion, use any surplus funds, which may be on deposit from any previous index tax which may have been collected for the purpose of financing any index or recording system in the probate judge's office, to implement this act.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional such declaration shall not affect the part which remains.

Section 9. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1980

Time: 8:30 P.M.

Act No. 80-341

H. 894—Sasser

AN ACT

Relating to Dale County; to provide for an additional expense allowance for the members of the board of equalization, board of registrars and the jury commission of said county and to provide for the number of days that the jury commission shall be

in session.

Be It Enacted by the Legislature of Alabama:

Section 1. In Dale County, in addition to any and all other compensation, salary and expense allowances provided for by law, there shall be paid to each member of the board of equalization, each member of the board of registrars and each member of the jury commission of the county an expense allowance in such an amount as will, together with any amount paid by the state, as salary, compensation or expense allowance, make the total paid to such members equal thirty-five dollars (\$35) per day. If the amount paid to such members as compensation or expense allowance by the state increases in the future, then the amount paid by the county under this act shall automatically decrease.

Section 2. The amount paid under the provisions of this act shall be paid out of the county general fund and shall be paid only when the members of the board of equalization, members of the board of registrars and the members of the jury commission actually attend meetings of their respective bodies. The jury commission is authorized to meet for a total of forty days each year.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1980

Time: 8:30 P.M.

Act No. 80-342

H. 917—Stewart

AN ACT

To provide that an idle speed zone for boats be established on a portion of Halls Mill Creek in Mobile County.

Be It Enacted by the Legislature of Alabama:

Section 1. An idle speed zone is hereby established for that portion of Halls Mill Creek beginning at a point approximately five hundred (500) feet upstream from the point where Briarwood Drive would intersect with Halls Mill Creek if Briarwood Drive were extended to the west so that they intersected, and such idle speed zone extending downstream to a point approximately one

thousand (1,000) feet to the southeast of the point where Rivier de Chien Drive would intersect with Halls Mill Creek if Rivier de Chien Drive were extended to the south so that they intersected. The Alabama Marine Police shall supervise, and the County of Mobile shall erect signs indicating the idle speed zone.

Section 2. All laws or parts of laws in conflict herewith are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1980

Time: 8:30 P.M.

Act No. 80-343

H. 953—Greer

AN ACT

To extend, alter, and rearrange the boundaries and corporate limits of the City of Florence so as to annex certain adjacent territory to the City of Florence.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporate limits of the City of Florence be and the same are hereby extended, altered, and rearranged so as to include within the corporate limits of the City of Florence all of the following additional adjacent territory in Lauderdale County, Alabama, situated, to-wit:

Tract 1. Being a part of Section 4, Township 3 South, Range 10 West and a part of Section 33, Township 2 South, Range 10 West, in Lauderdale County, Alabama, more particularly described as beginning at the Northwest corner of said Section 4; thence North with the West line of said Section 33 to a point on the West line of Indian Springs Road as described in Book 1029, Page 25 in the office of the Judge of Probate of Lauderdale County, Alabama; thence North with the West line of said Indian Springs Road to the South line of U.S. Highway No. 72 (Lee Highway); thence North 66 degrees 15' East along the South line of said Highway No. 72 a distance of 800 feet; more or less, to the West line of Rivermont Drive as shown on plat of Rivermont Subdivision, recorded in the office of the Judge of Probate of said County in Plat Book 3, Pages 36 and 37; thence Southwardly with the West line of said Rivermont Drive to the Northeast corner of Lot 4, Block 1 of said Rivermont Subdivision; thence West with the South line of said lot 4 a distance

of 220 feet to the Northwest corner thereof; thence Southwardly with the West line of said Rivermont Subdivision to the intersection of the Indian Springs Corporation tract as described in Book 971, Pages 651-654, of aforesaid records and the rear line of Lot 11, Block 2 of said Rivermont Subdivision; thence South 1 degree 22' East with the East line of said Indian Springs Corporation tract to the Eastwardly line of aforesaid Indian Springs Drive; thence Southeastwardly with the Eastwardly line of said Indian Springs Drive to the North line of aforesaid Section 4; thence North 87 degrees East along said North line 3423 feet, more or less, to the Southwest corner of the Raymond Graham lot as described in Book 1108, Page 784, of aforesaid records; thence North 3 degrees 45' West 150 feet; thence North 26 degrees West 150 feet; thence North 64 degrees East 250 feet, more or less, to the 505 contour line of Lake Wilson; thence Southwardly, Southwestwardly and Northwestwardly along said 505 contour line 13,500 feet, more or less, to the West line of said Section 4; thence North 3 degrees 45' west with said West line 291 feet, more or less, to the point of beginning.

Tract 2. A tract or parcel of land lying and being in the Northeast $\frac{1}{4}$ of Section 6, Township 3 South, Range 10 West, the South $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 31, Township 2 South, Range 10 West, and the South $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of Section 31, Township 2 South, Range 10 West, Lauderdale County, Alabama, more particularly described as beginning at the Southwest corner of the Southeast $\frac{1}{4}$ of Section 31, Township 2 South, Range 10 West, said point also being on the present City limits line; thence Westwardly along the South line of said Section 31 and the present City limits line for a distance of 665.6 feet, more or less, to the intersection with the South line of Highway U.S. No. 72; thence along the South line of Highway U.S. No. 72, North 72 degrees 46 minutes East for a distance of 683.8 feet to a point on the $\frac{1}{2}$ Section line of said Section 31; thence continuing along the South line of Highway U.S. No. 72, North 72 degrees 46 minutes East for a distance of 1,773.05 feet; thence South 10 degrees 56 minutes East for a distance of 265 feet; thence South 78 degrees 55 minutes West for a distance of 199.55 feet; thence South 10 degrees 56 minutes East for a distance of 290.40 feet; thence South 85 degrees 48 minutes West for a distance of 16.26 feet; thence South 11 degrees 09 minutes East for a distance of 1,287 feet to a point on the present City limits line; thence along said City limits line, South 85 degrees 48 minutes West for a distance of 180 feet, more or less, to a point of intersection with the present North-South City limits line; thence along said North-South City limits line, Northwardly for a distance of 1,280 feet,

more or less, to a point on the North line of aforesaid Section 6, said point being 1,080 feet West of the Northeast corner of said Section 6; thence Westwardly along the North line of said Section 6 and the present City limits line for a distance of 1,560 feet, more or less, to the point of beginning.

Section 2. This Act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1980

Time: 8:30 P.M.

Act No. 80-344

H. 954—Manley, Pegues

AN ACT

Relating to Marengo County; providing for an additional allowance for election officials who work at polling places.

Be It Enacted by the Legislature of Alabama:

Section 1. In Marengo County, election officials who work at polling places are hereby entitled to an additional per diem allowance in such an amount as will, together with any amount paid by the state make the total paid to such officials thirty dollars (\$30.00) for each day they work at the polls. If the amount paid to such officials as compensation or expense allowance by the state increases in the future, then the amount paid by the county under this act shall automatically decrease in a like amount. The expense allowance provided for in this act shall be paid from the general fund of the county.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1980

Time: 8:30 P.M.

Act No. 80-345

H. 955—Manley, Pegues

AN ACT

Relating to Marengo County; providing for an expense allowance for members of the Board of Education and repealing Act No. 212, H. 591, 1957 Regular Session, (Acts 1957, p. 269).

Be It Enacted by the Legislature of Alabama:

Section 1. In Marengo County, each member of the county board of education is hereby entitled to a monthly expense allowance of \$100.00 a month. Said allowance shall be in lieu of all other compensation, salary, or expense allowance heretofore provided by law and shall be paid in equal monthly installments.

Section 2. All laws or parts of laws in conflict with this act are hereby repealed and Act No. 212, H. 591, 1957 Regular Session (Acts 1957, p. 269) is hereby specifically repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1980

Time: 8:30 P.M.

Act No. 80-346

H. 956—Manley, Pegues

AN ACT

Relating to Marengo County; providing further for the expense allowance and mileage for the chairman and members of the county board of equalization; providing such payments shall be payable from state and local funds as provided by law; and giving the provisions of the Act retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. The chairman and each member of the county board of equalization shall be entitled to fifty dollars (\$50) per diem as expense allowance for each day's attendance on meetings of the board and performing the duties of their office as provided by law. Forty dollars (\$40) of such expense allowance shall be payable as provided by Section 40-3-8 of the Code of Alabama 1975, and the remainder shall be payable from the funds of the State of Alabama allocated for the purpose pursuant to Section 40-3-7 of the Code of Alabama 1975.

Section 2. In addition to the expense allowance provided in Section 1 of this Act, the chairman and each member of the said board shall be allowed mileage for traveling expenses not to exceed the sum of \$200.00 per annum. Said traveling expenses shall be paid as provided by Section 40-3-7 of the Code of Alabama 1975.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. The provisions of this Act shall have retroactive effect to March 1, 1979.

Approved May 6, 1980

Time: 8:30 P.M.

Act No. 80-347

H. 957—Manley, Pegues

AN ACT

To repeal Act No. 355, H. 896 of the 1969 Special Session (Acts 1969, Vol. I, p. 728), entitled, "An Act To apply only in counties having populations of not less than 27,000 nor more than 30,000; providing expense allowances for members of the county board of equalization payable from the general funds of the county; and giving the act retroactive effect."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 355, H. 896 of the 1969 Special Session (Acts 1969, Vol. I, p. 728), entitled, "An Act To apply only in counties having populations of not less than 27,000 nor more than 30,000; providing expense allowances for members of the county board of equalization payable from the general funds of the county; and giving the act retroactive effect," is hereby repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1980

Time: 8:30 P.M.

Act No. 80-348

H. 966—Gilmer

AN ACT

Relating to Fayette County; giving the county commission certain powers and authority in regard to performing work or services upon private property and selling material to churches, schools, individuals or non-profit associations or corporations; setting the conditions under which such work can be done or materials sold; and establishing the procedure governing work on private property

or the sale of materials under the provisions of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. The Fayette County Commission is hereby authorized and empowered, within Fayette County, to go upon private property and perform work or services for churches or individuals, and to sell materials to churches, schools, individuals, and non-profit associations or corporations.

Section 2. It is the intent of this Act to make available to the citizens of Fayette County services only when such services are not reasonably available to them at a reasonable cost from private enterprise. Upon the enactment of this Act and during the month of January each year thereafter, the county commission shall investigate the availability of work, services and material from private enterprise in the various areas of Fayette County and shall enter upon the minutes of the county commission the results of such investigation. The county commission shall thereafter adopt a written policy governing the doing of such work or services and the sale of such material. The policy shall include a description of the work and services which will be performed and the materials to be sold and a limitation upon the areas in which such work or services will be performed and in which materials will be sold to those areas in which such work, services or materials are not reasonably available at a reasonable cost from private enterprise. The policy shall include a provision that such work, services, or materials are available to all citizens of Fayette County where such work, services or materials are not reasonably available from private enterprise at a reasonable cost. The written policy adopted by the county commission shall be published annually in a newspaper of general circulation in Fayette County in the type normally used for news stories.

Section 3. No work may be done by the Fayette County Commission upon private property unless the county commission has no present need for the use for public county purposes of the personnel and equipment necessary to perform such work and unless the county commission is justly compensated for work or services performed and for the materials used or sold. In determining just compensation for work or services performed and for materials used or sold, all indirect costs, including but not limited to, overhead, management and depreciation shall be included.

Section 4. Before any work or services are performed on private property or material is sold to churches, schools,

individuals, or non-profit associations or corporations, a written contract must be signed by the party for whom the work or services are to be performed or to whom the material is to be sold stating the work to be done or material sold, the amount to be paid for such work or services or materials or the rate by which the amount to be paid for such work, services or materials will be computed. The work or services performed must be paid for at the time it is completed and any material delivered must be paid for at the time the material is delivered. The name of each church, school, individual, or non-profit association or corporation for whom work or services are performed or to whom material is delivered shall be entered upon the permanent minutes of the Fayette County Commission at its next regular meeting following the completion of the work or the delivery of the material, along with a description of the work performed or material delivered and a statement of the price paid to the county for the work performed or material sold.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1980

Time: 8:30 P.M.

Act No. 80-349

H. 972—Letson

AN ACT

Relating to Lawrence County; to allow the use of dogs and/or buck shot in shotguns in deer hunting outside of wildlife management hunting areas.

Be It Enacted by the Legislature of Alabama:

Section 1. Any rule or regulation of the Department of Conservation and Natural Resources to the contrary notwithstanding, buck shot in shotguns and/or dogs may be used to hunt deer in Lawrence County during the legal hunting season on lands outside of any wildlife management hunting area located in the county.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise

becoming a law.

Approved May 6, 1980

Time: 8:30 P.M.

Act No. 80-350

H. 973—Letson

AN ACT

Relating to Lawrence County; to abolish the office of license inspector; to place the powers, duties and functions of said office in the county commission of said county; to provide for the disposition of fees accruing from the performance of the duties of license inspectors; and to provide for the employees to carry out this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Notwithstanding the provisions of Section 40-12-10 of the Code of Alabama 1975, and any other general or local law of this state, no person shall be appointed to the position of county license inspector of or for Lawrence County. The position of county license inspector in said county is hereby abolished and the powers, duties and functions of said office shall henceforth be vested in and performed by the county commission of said county. All fines, fees, and penalties heretofore paid to the license inspector for the performance of his duties of office shall be paid into the general fund of the county. The county commission is authorized to employ sufficient employees to carry out the provisions of this act.

Section 2. All laws or parts of laws, general or local, which conflict with this act are hereby repealed as to Lawrence County.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1980

Time: 8:30 P.M.

Act No. 80-351

H. 974—Letson

AN ACT

Relating to Lawrence County; providing for an additional allowance for election officials who work at polling places.

Be It Enacted by the Legislature of Alabama:

Section 1. In Lawrence County, election officials who work at polling places are hereby entitled to an additional per diem allowance in such an amount as will, together with any amount paid by the state make the total paid to such officials twenty-five dollars (\$25.00) for each day they work at the polls. If the amount paid to such officials as compensation or expense allowance by the state increases in the future, then the amount paid by the county under this Act shall automatically decrease in a like amount. In addition, said election officials shall be entitled to a mileage allowance at the same rate as the mileage allowance allowed state employees. The expense allowances provided for in this Act shall be paid from the general fund of the county.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1980

Time: 8:30 P.M.

Act No. 80-352

H. 975—Letson

AN ACT

Relating to Lawrence County; to authorize the county commission to hire an appraiser to conduct ad valorem tax appraisal work on behalf of the tax assessor's office; and to authorize the expenditure of funds to carry out the provisions of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission of Lawrence County is hereby authorized and empowered to employ an appraiser or appraisers to conduct ad valorem tax appraisal work on behalf of the county tax assessor's office. The county commission may spend such funds out of the county general fund as is necessary to carry out the provisions of this act including any funds necessary to employ a mapper as needed to perform any functions related to the appraisals provided herein.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1980

Time: 8:30 P.M.

Act No. 80-353

H. 981—Adams (H)

AN ACT

Relating to Cherokee County; providing salaries for the Chairman and associate members of the Cherokee County Commission; providing for travel allowance for out of County travel for all members of the County governing body; and repealing Act No. 523 and Act No. 664 of the 1976 Regular Session.

Be It Enacted by the Legislature of Alabama:

Section 1. The President of the Cherokee County Commission shall be entitled to an annual salary of \$9,600.00. Such annual salary shall be paid in equal monthly installments from the general fund of the County.

Section 2. The associate members of the Cherokee County Commission shall be entitled to an annual salary of \$6,000.00. Such annual salary shall be paid in equal monthly installments from the general fund of the County.

Section 3. The President and associate members of the Cherokee County Commission, in addition to the salaries provided for in this Act, shall be entitled to an allowance of 12¢ per mile and any actual and necessary expenses for meals and lodging for travel out of the County in the performance of their official duties. Such additional allowance for out of County travel shall be based on the actual receipts for reimbursement and shall be drawn on warrants on the County treasury in the same manner now provided by law.

Section 4. Act No. 523, H. 1222 of the 1976 Regular Session (Acts 1976, Volume I, page 668) entitled, "An Act relating to all Counties having populations of not less than 15,400 nor more than 15,625 according to the 1970 or any subsequent federal decennial census; providing for the duties and compensation of the Chairman of the County governing body; providing for the compensation of associate Commissioners of the County governing body; regulating the travel allowance for out of County travel for all members of the County governing body; and setting the times of the meeting for the Commissioners", is hereby repealed.

Section 5. Act No. 664, S. 678 of the 1976 Regular Session (Acts 1976, Volume II, page 910) entitled, "An Act relating to all Counties having populations of not less than 15,400 nor more than 15,625 according to the 1970 or any subsequent federal decennial census; providing for the duties and compensation of the Chairman of the County governing body; providing for the compensation of associate Commissioners of the County governing body; regulating the travel allowance for out of County travel for all members of the County governing body; and setting the time of meetings for the

Commissioners", is hereby repealed.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 8. This Act becomes effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1980

Time: 8:30 P.M.

Act No. 80-354

H. 982—Adams (H)

AN ACT

Relating to Cherokee County; to provide further for the expense allowance and compensation of certain county officers.

Be It Enacted by the Legislature of Alabama:

Section 1. The probate judge, tax assessor and tax collector of Cherokee County shall each receive an additional annual expense allowance in the amount of \$2,900.00 to be paid out of the county treasury in equal monthly installments at the end of each month upon warrants drawn in the same manner as employees of Cherokee County are paid. Said expense allowance shall expire at the termination of the current term of office of such officers.

Section 2. Beginning with the next term of office, the probate judge, tax assessor and tax collector shall receive a total annual salary of \$14,000.00 to be paid out of the county treasury in equal monthly installments at the end of each month upon warrants drawn in the same manner as employees of Cherokee County are paid.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise

becoming a law.

Approved May 6, 1980

Time: 8:30 P.M.

Act No. 80-355

H. 983—Turner

AN ACT

To alter or rearrange the boundary lines of the Town of Creola, Mobile County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Mobile County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the Town of Creola, Mobile, Alabama, be, and the same are hereby altered or rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the Town of Creola and in addition thereto the following described territory, to-wit:

Beginning at the Northeast corner of the Northwest Quarter of the Northwest Quarter of Section 12, Township 2 South, Range 1 West, Mobile County, Alabama, run Westwardly along the North line of said Section 12 to the Northwest corner of said Section 12 and the Northeast corner of Section 11, Township 2 South, Range 1 West; continue Westwardly along the North line of said Section 11 to the West line of the Northeast Quarter of said Section 11; thence run Southwardly along said West line to the North line of the Southeast Quarter of the Northwest Quarter of said Section 11; thence run westwardly along the North line to the West line of said Southeast Quarter of Northwest Quarter; thence run Southwardly along said West line to the South line of said Southeast Quarter of the Northwest Quarter; thence run eastwardly along said South line to the East line of the Southwest Quarter of the Northeast Quarter of said Section 11; thence run Northwardly along said East line to the South line of the North One-half of the Northeast Quarter of said Northeast Quarter; thence run Eastwardly to the East line of a Southern Railroad right-of-way; thence run Southwestwardly along said East line to the North line of Creola-Axis Loop Road; thence run Southeastwardly along said North line of Creola-Axis Loop Road to the East line of said Northwest Quarter of the Northwest Quarter of Section 12, Township 2 South, Range 1 West; thence run Northwardly along said East line to the point of beginning, as shown in a plat prepared by Mikell D. Speaks and Associates.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1980

Time: 8:30 P.M.

Act No. 80-356

H. 991—Sandusky

AN ACT

To set a penalty of a one thousand dollar fine and a six month term in jail for any person convicted of unlawfully possessing a firearm in Mobile County.

Be It Enacted by the Legislature of Alabama:

Section 1. Any person who is convicted of unlawfully possessing a firearm in Mobile County shall be fined \$1,000.00 and imprisoned for a term of six months, with no probation or suspended sentence.

Section 2. All laws or parts of laws in conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on May 7, 1980 without approval by the Governor.

Act No. 80-357

H. 997—Harper (T)

AN ACT

To apply to Mobile County and require only gas utility boards organized and incorporated by a municipality to pay interest on deposits paid by customers situated within the territory served by such gas district.

Be It Enacted by the Legislature of Alabama:

Section 1. A written notice of any rate increase must be given to each customer by the gas utility boards at least thirty (30) days prior to the increase.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws in conflict with this act are hereby repealed.

Section 4. This act shall become law immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1980

Time: 8:30 P.M.

Act No. 80-358

H. 999—Adams (H)

AN ACT

Relating to Cherokee County; to provide an expense allowance for the coroner, and to provide that such allowance shall convert to a salary increase beginning with the next term of office of the coroner.

Be It Enacted by the Legislature of Alabama:

Section 1. The coroner of Cherokee County shall receive an expense allowance of \$100.00 per month for expenses incurred in performing the duties of his office. Such amount shall be paid out of the county treasury at the end of each month upon warrants drawn in the same manner as employees of Cherokee County are paid.

Section 2. Beginning with the next term of office of the coroner, the expense allowance provided for in Section 1 shall convert to additional monthly salary to the coroner.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1980

Time: 8:30 P.M.

Act No. 80-359

H. 58—Ford, Dial, Barton

AN ACT

To amend Section 31-2-112, Code of Alabama, 1975, to further define the powers of the Governor to order out the Alabama National Guard for state active duty.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 31-2-112, Code of Alabama 1975, is hereby amended to read as follows:

“§31-2-112.

“(a) Whenever there is an insurrection or outbreak of a formidable character which has overawed, or threatens to overawe, the ordinary civil authorities, or in cases of disaster, and the authorities in such county, city or town, have attempted and failed to quell the same by use of a posse comitatus, or it is apparent that such attempt would be useless, the governor on a certificate of such facts from any four conservators of the peace in such county, city or town, or from any circuit court judge, probate court judge, sheriff, or justice of the supreme court, shall immediately order out such portion of the national guard or militia as he may deem necessary to enforce the laws, and preserve the peace, and the governor may, when the urgency is great, order out such troops without any certificate from either of the officers mentioned in this section, but in no case shall the governor keep in service in any county, city or town, of the state for more than 10 days any troops or militia other than that raised in such county, except in time of invasion or actual insurrection unless some justice of the supreme court or circuit judge, or the sheriff thereof, shall certify to him that the longer presence of such militia or troops is requisite to the proper enforcement of the law or the preservation of the peace therein.

“(b) In case there is a failure of the means to communicate with the governor or his authorized representative, due to riot, insurrection, civil disturbance, or disaster, the mayor of a city or town, the sheriff, probate judge or a circuit court judge of the county involved may direct the highest commander or officer of the national guard within the county to call to duty such units of the national guard in the county as are necessary to suppress such riot, insurrection or civil disturbance or render assistance in case of disaster. Said civil authorities shall not call units of the national guard to duty under this section unless local authorities are unable to restore order and unless said authorities have attempted to communicate with the governor or his authorized representative, but lack the means to do so due to the circumstances set forth in this

section.

“(c) The Governor, as Commander in Chief, is authorized to call out all or any such portion of the national guard as he may deem advisable, upon his determination that a state of emergency exists.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1980

Time: 8:30 P.M.

Act No. 80-360

H. 61—Ford, Dial, Barton

AN ACT

To amend Section 31-2-52, Code of Alabama 1975, to further define the powers of the Governor to order out the Alabama National Guard for state active duty.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 31-2-52, Code of Alabama 1975, is hereby amended to read as follows:

“§31-2-52.

“(a) The governor of Alabama, as commander in chief, shall have power and is hereby authorized and directed to alter, increase, divide, annex, consolidate, disband, organize or reorganize any organization, department or unit, so as to conform as far as practicable to any organization, system, drill, instruction, type of uniform or equipment, or period of enlistment now or hereafter prescribed by the laws of the United States and rules and regulations promulgated thereunder by the secretary of defense for the organization, armament, training and discipline of the militia or national guard, or by the secretary of the navy for the organization, armament, training and discipline of the naval militia. For that purpose, the number of officers, warrant officers and enlisted men of any grade in any organization, corps, detachment, headquarters or staff may be increased or diminished and the grade and number of such officers, warrant officers and enlisted men may be altered to the extent necessary to secure, as far as practicable, such conformity.

“(b) The governor, as commander in chief, shall have the power in case of war, invasion, insurrection, riot, tumult, breach of peace, natural disaster or imminent danger thereof, to call or order

all or any portion or class of the armed forces of the state into the active military or naval service of the state, to increase the land and naval forces of this state and to organize the same in accordance with the existing rules and regulations governing the armies of the United States, or in accordance with such other system as the governor may consider the exigency to require, and such organization and increase may be either pursuant to, or in advance of, any call, draft or order of the President of the United States.

“(c) The governor may authorize all or any part of the national guard or naval militia to participate in any drill, parade, review or other public exercise, or to engage in service for escort duty, and may prescribe all regulations and requirements therefor, and such expenses incidental thereto as he may authorize shall be paid as provided in this chapter for the militia in the active military or naval service of the state.

“(d) The governor of Alabama, as commander in chief, is hereby authorized and empowered to do and perform all acts, and to make and publish such rules and regulations, and to organize and maintain the national guard and the naval militia of Alabama in every respect up to the standards required by the laws and regulations of the United States now existing or which may hereafter be enacted for the benefit of the national guard and naval militia of the United States.

“(e) The governor, as commander in chief, is authorized to call out all or any such portion of the national guard as he may deem advisable, upon his determination that a state of emergency exists.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1980

Time: 8:30 P.M.

Act No. 80-361

H. 142—Ray

AN ACT

To authorize the Board of Commissioners in municipalities organized under the provisions of §§11-44-1 — 11-44-57, Code of Alabama, 1975, to fix the salaries of all commissioners at least six months before the next election of any commissioner and to amend §11-44-18, Code of Alabama, 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11-44-18 captioned "Compensation of commissioners and president of board of commissioners" is amended to read as follows:

"Section 11-44-18. Compensation of commissioners and president of board of commissioners. Unless otherwise provided in this Code or by local laws, the president of the board of commissioners of every city organized under the terms of this article shall receive a salary in an amount fixed by the board of commissioners at least six months prior to the election of any commissioner of the board, and each commissioner of such city shall receive a salary in an amount fixed by the commissioners at least six months prior to the election of any commissioner of the board.

All salaries of commissioners shall be paid monthly and at the same rate for every fraction of a year for which they serve."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 6, 1980

Time: 8:30 P.M.

Act No. 80-362

H. 143—Ray

AN ACT

To authorize the Board of Commissioners in municipalities organized under the provisions of §§11-44-70 — 11-44-105, Code of Alabama, 1975, to fix the salaries of all Commissioners at least six months before the next general election of any commissioner and to amend §11-44-80, Code of Alabama, 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11-44-80. captioned "Same, Compensation" is amended to read as follows:

"Section 11-40-80. Same — Compensation.

Every commissioner of every city or town organized under the terms of this article shall receive a salary payable by the city or town in equal monthly installments for whatever time the commissioner serves. The salary of all commissioners shall be fixed at least six months before the next general election of any commissioner.

Section 2. This Act shall become effective immediately upon

its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 6, 1980

Time: 8:30 P.M.

Act No. 80-363

H. 776—Adams (C), Whatley

AN ACT

To provide that any Class 5 city, according to Section 11-40-12 of the Code of Alabama 1975, as amended from time to time, may hold its city election on the second Tuesday in July 1980, and the run-off election three weeks after said second Tuesday, with the city election every three years thereafter to be held at the same appointed time, upon adoption of a resolution to such effect by the city governing body.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply to all Class 5 cities, according to Section 11-40-12 of the Code of Alabama 1975, as amended from time to time.

Section 2. Any Class 5 city may hold its city election on the second Tuesday in July, 1980, and the run-off election three weeks after said second Tuesday, with the city election every three years thereafter to be held at the same appointed time, upon adoption of a resolution to such effect by the city governing body.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. The provisions of this Act are cumulative and shall not be construed to repeal or supersede any laws or parts of laws not directly inconsistent herewith.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1980

Time: 8:30 P.M.

Act No. 80-364

H. 116—Roberts, Carter, Patton, Smith (C)

AN ACT

To provide further for the disposition of surplus state property; to provide that such property shall be screened by the Forestry Commission for use by volunteer fire departments; to provide for the transfer or loan of such property for fire protection purposes; and to provide penalties for violations.

Be It Enacted by the Legislature of Alabama:

Section 1. All surplus property owned by the State to be disposed of by sale at auction by the Finance Department shall first be screened by the Forestry Commission to determine if such property may be of use by volunteer fire departments for specific use in fire suppression activities. If the Forestry Commission finds such property to be useful for such purposes, then, with the approval of the State Finance Director, such property shall be transferred to the Forestry Commission. All such property shall be loaned to the volunteer fire departments.

Section 2. Any property transferred to a volunteer fire department under the provisions of this act shall be used exclusively for fire protection purposes. The use of any such property other than on the business of the volunteer fire department is expressly prohibited. Any violation of the provision of this section shall be a Class A Misdemeanor punishable as provided under the Criminal Code (Act No. 607, Regular Session 1977).

Section 3. Final disposition of all properties loaned by the Forestry Commission as a result of this Bill shall rest with the Finance Department of the State.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1980

Time: 8:30 P.M.

Act No. 80-365

H. 144—Ray

AN ACT

To authorize the Board of Commissioners in municipalities organized under the

provisions of §§11-44-120 — 11-44-140, Code of Alabama, 1975, to fix the salaries of all commissioners at least six months before the next election of any commissioner and to amend §11-44-129, Code of Alabama, 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11-44-129, Code of Alabama, 1975, captioned “Compensation of Commissioners; disbursement of funds from municipal treasury,” is amended to read as follows:

“Section 11-44-129, Compensation of commissioners; disbursement of funds from municipal treasury.

The president of the board and each associate commissioner shall be paid a salary, compensation or allowance at the same rate as before the election to come under this article; thereafter all commissioners shall be paid a salary, in an amount fixed by the commissioners at least six months prior to the election of any commissioner of the board. Such salaries shall be paid out of the general fund of the municipality.

The payment of all funds out of the treasury of the municipality shall be by warrant signed by the city clerk and countersigned by the president of the board or some other official or employee appointed by the president with the approval of the board, and, except as provided in this section, no funds may be paid out for any purpose except by resolution or ordinance duly passed authorizing such expenditure.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 6, 1980

Time: 8:30 P.M.

Act No. 80-366

H. 235—Zoghby, Sandusky

AN ACT

To amend Sections 4 and 6 of Act No. 79-441, H. 203, Regular Session 1979, which provides for the Historical Preservation Authorities Act of 1979, so as to further provide for the election and terms of the members of the Board of Directors; to provide for notice to the governing body relative to appointments of directors, and to provide for notice to certain governing bodies of the applicants for formation of a public corporation authority for historical preservation, in an area comprising two or more counties.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 4 and 6 of Act No. 79-441, H. 203, Regular Session 1979, is hereby amended to read as follows:

“Section 4. Application for authority to incorporate; review of application and issuance of executive order by the governor.

“(a) In order to form a public corporation under the provisions of this act, any number of natural persons, not less than three, shall first file a written application with the governor. Such application shall:

“(1) Contain a statement that such public corporation proposes to undertake and carry out one or more or all of the purposes defined in Section 3 with respect to public corporations formed under this act.

“(2) Contain a description by county name or otherwise of the area of operation in which the public corporation proposes to carry on its activities.

“(3) State that land, buildings, houses or other structures, facilities or property located in the area of operation of the public corporation and listed in the National Register of Historic Places are in need of restoration, renovation, preservation, improvement, protection or maintenance.

“(4) State that the proposed activities of the public corporation within the area of operation will promote the preservation of and interest in property listed in the National Register of Historic Places.

“(5) State that each of the applicants is a person of good moral character and is a duly qualified elector of the state who resides in the proposed area of operation; and

“(6) Request that the governor issue an executive order declaring that he has reviewed the contents of the application and has found the statements of fact contained therein to be true and authorizing the persons filing the application to proceed to form such public corporation. Every such application shall be accompanied by such supporting documents or evidence as the applicants may deem appropriate.

“(b) As promptly as is practicable after the application is filed as provided in this section, the governor shall review the contents of the application and shall find and determine whether the statements of fact contained in the application are true. If the governor finds and determines that any of the statements of fact contained in the application are not true, the governor shall forthwith issue an executive order denying the application; but, if

the governor finds and determines that the statements of fact contained in the application are true, the governor shall forthwith issue an executive order declaring that he has reviewed the contents of the application and has found and determined that the statements of fact contained in the application are true, declaring that the proposed activities of such public corporation in the area of operation described will promote the restoration, renovation, preservation, improvement, protection or maintenance of, and public interest in, land, buildings, houses or other structures, facilities or property listed in the National Register of Historic Places and that, for such reason, it is wise, expedient and necessary that such public corporation be formed and authorizing the persons filing the application to proceed to form such public corporation.

“In finding and determining whether the statements of fact contained in the application are true, the governor may, without investigation or further consideration, assume that the statements made pursuant to subdivisions (1) and (2) of subsection (a) of this section are true and, upon such assumption, so find and determine. It shall be sufficient to establish the truth of the statement made pursuant to subdivision (3) of subsection (a) of this section if there accompanies the application a resolution by the Commission that land, buildings, houses or other structures, facilities or property located in the proposed area of operation of the public corporation and listed in the National Register of Historic Places are in need of restoration, renovation, preservation, improvement, protection or maintenance; provided, however, that such means of establishing the truth of said statements are not to be taken as being exclusive. If the statement of fact made pursuant to subdivision (3) of subsection (a) of this section is found and determined to be true, then the governor may without investigation or further consideration assume that the statement of fact made pursuant to subdivision (4) of subsection (a) of this section is true and, upon such assumption, so find and determine.

“Provided, however, that the governor shall notify the respective county governing bodies of any requests to form an authority in an area comprising two or more counties. Such notice must precede any executive order relating to the request by twenty days.

“Section 6. Board of Directors.

“Each authority shall be governed by a board of directors consisting of three directors, all of whom shall be persons of good moral character, duly qualified electors of the state, and residents of the area of operation of the authority. All powers of an authority shall be exercised by the board or pursuant to its authorization. If

the area of operation of an authority shall be wholly within the corporate limits of any municipality, the directors of that authority shall be appointed by the governing body of that municipality. If the area of operation of an authority shall be wholly within a single county, the directors of that authority shall be appointed by the governing body of that county. If the area of operation of an authority shall be larger than any single county, the directors of that authority shall be appointed by the governor. Whenever the appointment of directors of such an authority is required, the governor shall notify the respective county governing bodies in writing of the authority and the number of directors to be appointed. The governor may appoint as a director of the authority any person qualified to serve as such under the provisions of this act. Provided, however, that the governor shall notify the respective county governing bodies, in writing, twenty days prior to the appointment. The terms of the directors shall be staggered, the first term of one director being for two years from and after the date of his appointment, the first term of another director being for four years from and after the date of his appointment, and the first term of the remaining director being for six years from and after the date of his appointment; thereafter, the term of office of each director shall be for six years. Each director shall serve during his term of office, and until his successor is appointed and qualified. Vacancies on the board shall be filled by appointment by the governing body or the governor having the power to make the appointment for the full term. Appointments to fill vacancies which occur during a regular term shall be for the unexpired term. Directors shall be eligible for reappointment. If the certificate of incorporation shall so provide, each director may be reimbursed by the authority for actual expenses incurred by him in and about the performance of his duties. Any director of an authority may be impeached and removed from office in the same manner and on the same grounds provided by section 175 of the Constitution of Alabama and the general laws of the state for impeachment and removal from office of the officers mentioned in said section 175."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1980

Time: 8:30 P.M.

AN ACT

To repeal Section 11-51-99, Code of Alabama, 1975, which limits the amount of license a municipality may levy on vending and weighing machines.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11-51-99, Code of Alabama, 1975, is hereby repealed and after the effective date of this Act shall have no further force or effect.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 6, 1980

Time: 8:30 P.M.

Act No. 80-368

H. 267—Albright

AN ACT

To amend Section 9-11-156 of the Code of Alabama 1975 which sets the penalty for conviction for violating the laws or rules and regulations governing commercial fishing in public impounded waters and navigable streams of this state, so as to increase said penalty.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 9-11-156 of the Code of Alabama 1975 is hereby amended to read as follows:

“§9-11-156. Any person, firm, copartnership, association or corporation violating any of the provisions of this article or rules and regulations based thereon shall be guilty of a Class ‘A’ misdemeanor and, upon conviction for the first offense shall be punishable by a fine of not more than \$2,000.00 and/or sentenced to imprisonment for not more than one year; upon conviction for the second or any subsequent offense, the punishment shall be by a fine of not less than \$500.00 nor more than \$2,000.00, and/or by imprisonment for not less than one month nor more than one year. In addition thereto, all commercial fishing gear, boats, motors, implements, instruments, appliances or things of whatsoever nature used in connection with the commission of such misdemeanor, if the owner is unknown, shall be seized and confiscated and shall become the property of the game and fish division of the department of conservation and natural resources and shall be disposed of as ordered by the commissioner of conservation and natural resources. Such fishing gear, boats,

motors, implements, instruments, appliances or things of whatsoever nature used in connection with the commission of such misdemeanor, if the owner is known, shall be seized and confiscated and shall be disposed of as ordered by the court having jurisdiction thereof."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1980

Time: 8:30 P.M.

Act No. 80-369

H. 585—Sasser, Grimsley, Ray

AN ACT

Providing clerk hire allowance for Probate Judges of Barbour County.

Be It Enacted by the Legislature of Alabama:

Section 1. Relating to Barbour County: The Judge of Probate shall be entitled to an allowance of \$100.00 a month for the employment of a clerk. Such allowance shall be paid from the general funds of the County at the end of each month. The allowance provided for in this Act shall be in addition to all compensation, fees, commissions, percentages, clerk hire, and allowances heretofore provided the Probate Judge by law.

Section 2. Subject to approval of the County Commission, this shall be retroactive to January 17, 1977.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1980

Time: 8:30 P.M.

Act No. 80-370

H. 797—Shavers

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Scottsboro, in Jackson County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Scottsboro in Jackson County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to-wit:

A tract lying either side of State Road #79 between North Sauty Creek and Mink Creek and more completely described as follows:

Commence at TVA Monument 47-120 for the true point of beginning; thence South 87 degrees 53 minutes east 27.0 feet to TVA Monument 41; thence along the TVA severance line South 15 degrees 59 minutes West 2534.0 feet to TVA Monument 42; thence South 15 degrees 07 minutes West 38.0 feet to TVA Monument 47-97; thence along the meander of the shore line of Guntersville Lake and Mink Creek and the 600 foot contour to TVA Monument 47-98; thence along the TVA severance line South 84 degrees 58 minutes East 279.0 feet to TVA Monument 47-99; thence North 0 degrees 56 minutes East 408 feet to TVA Monument 47; thence North 51 degrees 09 minutes East 950 feet to TVA Monument 48; thence North 64 degrees 13 minutes West 950 feet to TVA Monument 49; thence North 58 degrees 56 minutes East 182 feet to TVA Monument 50; thence North 0 degrees 44 minutes East 542 feet to TVA Monument 51; thence South 58 degrees 10 minutes West 950 feet to TVA Monument 52; thence South 88 degrees 20 minutes West 1348 feet to TVA Monument 53; thence North 0 degrees 53 minutes East 651 feet to TVA Monument 54; thence South 89 degrees 05 minutes East 310 feet to TVA Monument 55; thence North 01 degrees 27 minutes East 434 feet to TVA Monument 56; thence West 1036 feet to TVA Monument 57; thence North 01 degrees 42 minutes West 270 feet to TVA Monument 58; thence North 89 degrees 18 minutes West 567 feet to TVA Monument 59; thence North 53 degrees 56 minutes West 2273 feet to TVA Monument 60; thence North 89 degrees 22 minutes west 220 feet to the Southwest corner of the Northwest Quarter of the Southwest Quarter of Section 20, Township 5 South, Range 5 East; thence along the West boundary of the Northwest Quarter of the Southwest Quarter and the West boundary of the Southwest Quarter of the Northwest Quarter of Section 20, Township 5 South, Range 5 East to the Northwest corner of the Southwest Quarter of the Northwest Quarter of Section 20, Township 5 South, Range 5 East; thence along the North boundary of the Southwest Quarter of

the Northwest Quarter and the Southeast Quarter of the Northwest Quarter of Section 20, Township 5 South, Range 5 East to the Northeast corner of the Southeast Quarter of the Northwest Quarter of Section 20, Township 5 South, Range 5 East; thence along the West boundary of the Northwest Quarter of the Northeast Quarter of Section 20, Township 5 South, Range 5 East to the Northwest corner of the South half of the Northwest Quarter of the Northeast Quarter of Section 20, Township 5 South, Range 5 East; thence along the North boundary of the South half of the Northwest Quarter of the Northeast Quarter of Section 20, Township 5 South, Range 5 East to the Northeast corner of the South half of the Northwest Quarter of the Northeast Quarter of Section 20, Township 5 South, Range 5 East; thence along the East boundary of the South half of the Northwest Quarter of the Northeast Quarter, the East boundary of the Southwest Quarter of the Northeast Quarter and the East boundary of the North half of the Northwest Quarter of the Southeast Quarter all of Section 20, Township 5 South, Range 5 East and to the Southeast corner of the North half of the Northwest Quarter of the Southeast Quarter; thence along the South boundary of the North half of the Northeast Quarter of the Southeast Quarter of Section 20, Township 5 South, Range 5 East to the West boundary of the Northwest Quarter of the Southwest Quarter of Section 21, Township 5 South, Range 5 East; thence along the West boundary of the Northwest Quarter of the Southwest Quarter of Section 21, Township 5 South, Range 5 East to the Northwest corner of the Northwest Quarter of the Southwest Quarter of Section 21, Township 5 South, Range 5 East; thence along the North boundary of the Northwest Quarter of the Southwest Quarter, the Northeast Quarter of the Southwest Quarter and a part of the Northwest Quarter of the Southeast Quarter all in Section 21, Township 5 South, Range 5 East and to TVA Monument 32; thence along the TVA severance line North 89 degrees 39 minutes East 651 feet to TVA Monument 33; thence South 0 degrees 59 minutes West to the Northwest right-of-way of State Road #79; thence along said right-of-way North 58 degrees 13 minutes East to the intersection with the present city limits boundary of Scottsboro, Alabama; thence along the city limits boundary Southeast to the intersection with the East boundary of the Northwest Quarter of the Southwest Quarter of Section 22, Township 5 South, Range 5 East; thence Southward along the East boundary of the Northwest Quarter of the Southwest Quarter of Section 22, Township 5 South, Range 5 East to the Southeast corner of the Northwest Quarter of the Southwest Quarter of Section 22, Township 5 South, Range 5 East; thence along the South boundary of the Northwest Quarter of the Southwest Quarter of Section 22, Township 5 South, Range 5 East to the intersection with the 600 foot

contour between TVA Monuments 51-206 and 47-120; thence along said contour in a Southwest direction to TVA Monument 47-120 and the point of beginning.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1980

Time: 8:30 P.M.

Act No. 80-371

H. 827—Brakefield, Bowling

AN ACT

Relating to Winston County; providing for an additional allowance for election officials who work at polling places.

Be It Enacted by the Legislature of Alabama:

Section 1. In Winston County, election officials who work at polling places are hereby entitled to an additional per diem allowance in such an amount as will, together with any amount paid by the state make the total paid to such officials twenty-five dollars (\$25.00) for each day they work at the polls. If the amount paid to such officials as compensation or expense allowance by the state increases in the future, then the amount paid by the county under this act shall automatically decrease in a like amount. The expense allowance provided for in this act shall be paid from the general fund of the county.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1980

Time: 8:30 P.M.

Act No. 80-372

H. 839—Sasser, Ray, Grimsley, Whatley

AN ACT

Relating to Barbour County; providing for a salary supplement for the circuit judge and the district court judge.

Be It Enacted by the Legislature of Alabama:

Section 1. Immediately upon the effective date of this act, the circuit judge and the district court judge of Barbour County shall both receive a supplemental salary, payable in equal monthly installments from the general fund of the county, in an amount equal to fifteen percent of the prevailing salary paid to circuit judges by the state. Such supplement shall be paid in addition to all other supplemental or expense payments heretofore authorized by law for such judges.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1980

Time: 8:30 P.M.

Act No. 80-373

H. 902—Gilmer

AN ACT

Relating to Lamar County; giving the county commission certain powers and authority in regard to performing work or services upon private property and selling material to churches, schools, individuals or non-profit associations or corporations; setting the conditions under which such work can be done or materials sold; and establishing the procedure governing work on private property or the sale of materials under the provisions of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. The Lamar County Commission is hereby authorized and empowered, within Lamar County, to go upon private property and perform work or services for churches or individuals, and to sell materials to churches, schools, individuals, and non-profit associations or corporations.

Section 2. It is the intent of this Act to make available to the citizens of Lamar County services only when such services are not reasonably available to them at a reasonable cost from private enterprise. Upon the enactment of this Act and during the month of January each year thereafter, the county commission shall investigate the availability of work, services and material from private enterprise in the various areas of Lamar County and shall enter upon the minutes of the county commission the results of such investigation. The county commission shall thereafter adopt a

written policy governing the doing of such work or services and the sale of such material. The policy shall include a description of the work and services which will be performed and the materials to be sold and a limitation upon the areas in which work or services will be performed and in which materials will be sold to those areas in which such work, services or materials are not reasonably available at a reasonable cost from private enterprise. The policy shall include a provision that such work, services, or materials are available to all citizens of Lamar County where such work, services or materials are not reasonably available from private enterprise at a reasonable cost. The written policy adopted by the county commission shall be published annually in a newspaper of general circulation in Lamar County in the type normally used for news stories.

Section 3. No work may be done by the Lamar County Commission upon private property unless the county commission has no present need for the use for public county purposes of the personnel and equipment necessary to perform such work and unless the county commission is justly compensated for work or services performed and for the materials used or sold. In determining just compensation for work or services performed and for materials used or sold, all indirect costs, including but not limited to, overhead, management and depreciation shall be included.

Section 4. Before any work or services are performed on private property or material is sold to churches, schools, individuals, or non-profit associations or corporations, a written contract must be signed by the party for whom the work or services are to be performed or to whom the material is to be sold stating the work to be done or material sold, the amount to be paid for such work or services or materials or the rate by which the amount to be paid for such work, services or materials will be computed. The work or services performed must be paid for at the time it is completed and any material delivered must be paid for at the time the material is delivered. The name of each church, school, individual, or non-profit association or corporation for whom work or services are performed or to whom material is delivered shall be entered upon the permanent minutes of the Lamar County Commission at its next regular meeting following the completion of the work or the delivery of the material, along with a description of the work performed or material delivered and a statement of the price paid to the county for the work performed or material sold.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such

declaration shall not affect the part which remains.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1980

Time: 8:30 P.M.

Act No. 80-374

H. 903—Gilmer

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Sulligent, in Lamar County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Sulligent in Lamar County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to-wit:

The SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 5, Township 14 South, Range 15 West, being 40 acres more or less, Lamar County, Alabama.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1980

Time: 8:30 P.M.

Act No. 80-375

H. 908—Cobb

AN ACT

Relating to Marion County; providing further for the employees of the office of the sheriff.

Be It Enacted by the Legislature of Alabama:

Section 1. In Marion County, the sheriff is hereby authorized to appoint the following employees: A total of six (6) deputies

sheriff; a total of four (4) communications operators; and a total of four (4) jailors. The minimum salaries of said employees shall be set at the same amount they are receiving on the effective date of this Act. The county commission shall provide for the payment of such salaries out of the general fund of the county.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1980

Time: 8:30 P.M.

Act No. 80-376

H. 938—Owens

AN ACT

Relating to Bibb County; to give the county commission certain powers and authority in regard to performing work or services upon private property and selling material to churches, schools, individual and non-profit associations or corporations; setting the conditions under which such work can be done or materials sold; and establishing the procedure governing work on private property or the sale of materials under the provisions of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. The Bibb County Commission is hereby authorized and empowered, within Bibb County, to go upon private property and perform work or services for churches, schools, individuals, and non-profit associations or corporations and to sell materials to churches, schools, individuals, and non-profit associations or corporations subject to the provisions of this Act.

Section 2. It is the intent of this Act to make available to the citizens of Bibb County services only when such services are not reasonably available to them at a reasonable cost from private enterprise. Upon the enactment of this Act and during the month of January each year thereafter, the county commission shall investigate the availability of work, services and material from private enterprise in the various areas of Bibb County and shall enter upon the minutes of the county commission the results of such investigation. The county commission shall thereafter adopt a written policy governing the doing of such work or services and the sale of such material. The policy shall include a description of the work and services which will be performed and the materials to be sold and a limitation upon the areas in which such work or services will be performed and in which materials will be sold to those areas

in which such work, services or material are not reasonably available at a reasonable cost from private enterprise. The policy shall include a provision that such work, services, or materials are available to all citizens of Bibb County where such work, services or material are not reasonably available from private enterprise at a reasonable cost. The written policy adopted by the county commission shall be published annually in a newspaper of general circulation in Bibb County in the type normally used for news stories.

Section 3. No work may be done by the Bibb County Commission upon private property unless the county commission has no present need for the use for public county purposes of the existing personnel and equipment necessary to perform such work and unless the county commission and the proper fund in the county treasury are justly compensated for work or services performed and for the materials used or sold. In determining just compensation for work or services performed and for materials used or sold, all indirect costs including but not limited to overhead, management and depreciation shall be included.

Section 4. Before any work or services are performed on private property or material is sold to churches, schools, individuals, or non-profit associations or corporations, a written contract must be signed by the party for whom the work or services are to be performed or to whom the material is to be sold stating the work to be done or material sold, the amount to be paid for such work or services or material or the rate by which the amount to be paid for such work, services or materials will be computed. Such contract shall be a public document available for inspection by any interested party. The work or services performed must be paid for at the time it is completed and any material delivered must be paid for at the time the material is delivered. The name of each church, school, individual, or non-profit association or corporation for whom work or services are performed or to whom material is delivered shall be entered upon the permanent minutes of the Bibb County Commission at its next regular meeting following the completion of the work or the delivery of the material, along with a description of the work performed or material delivered and a statement of the price paid to the county for the work performed or material sold.

Section 5. No work shall be performed for any church, school, individual, or non-profit association or corporation under the provisions of this Act including labor, materials, equipment use or any other cost or expense that exceeds \$1,000 for any twelve (12) month period.

Section 6. The provisions of this Act shall not be construed to

repeal any law not in direct conflict herewith.

Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1980

Time: 8:30 P.M.

Act No. 80-377

H. 939—Owens

AN ACT

Relating to Bibb County, to provide further for taxing and collecting of certain additional court costs for district and circuit court cases, and to deposit such costs to the county general fund for jail and courtroom facilities.

Be It Enacted by the Legislature of Alabama:

Section 1. In Bibb County, in addition to all other court charges or fees, there shall be taxed as court cost the sum of \$5.00 in each civil or quasi-civil action at law, suit in equity, criminal case, quasi-criminal case, proceeding on a forfeited bail bond or proceedings on a forfeited bond given in connection with an appeal from a judgement or conviction in any inferior or municipal court of the county, the district or circuit court of Bibb County, hereinafter filed in or arising in the circuit or district court of Bibb County, or brought by appeal, certiorari or otherwise to either of said courts, which costs shall be collected as other costs in such cases are collected by the clerk, or ex-officio clerk, of said courts or the register of the circuit court or district court of Bibb County, as the case may be.

Section 2. Such fees, when collected by the clerks or other collection officers of such courts, shall be paid into the general fund of Bibb County to provide for courtroom and jail facilities.

Section 3. Pursuant to Amendment 332 of the Constitution of Alabama, this Act shall be inoperative and void unless it shall have been approved by a majority of the qualified electors of Bibb County who vote thereon at a referendum election held for such purpose. The election shall be held and conducted as nearly as may be in the same way as elections on amendments to the Constitution, and shall be held on the same date as the first special, general, or

primary countywide election to be held in Bibb County after the date of passage of this Act.

On the ballots to be used at the election, the proposition shall be stated as follows: "Do you favor the local law providing for the taxing and collecting of certain additional court costs, and the depositing of said revenue in the county general fund for courtroom and jail facilities? Yes () No ()." If a majority of the votes cast at the election are in the affirmative, this Act shall be in full force and effect from the election date forward. If a majority of the votes cast are in the negative, this Act shall have no further effect. The judge of probate of Bibb County shall certify the results of the election to the Secretary of State within thirty days after the returns have been canvassed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on May 7, 1980 without approval by the Governor.

Act No. 80-378

H. 940—Owens

AN ACT

Relating to Bibb County; providing that the expense allowances of the county governing body provided for by Act No. 79-378, H. 868, 1979 Regular Session (Acts 1979, p. 600), shall be paid from the gasoline tax fund allocated to the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The expense allowances of the Bibb County governing body provided for by Act No. 79-378, H. 868, 1979 Regular Session (Acts 1979, p. 600), shall hereafter be paid from the gasoline tax fund allocated to Bibb County by the Department of Revenue of the state of Alabama as provided for by law.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise

its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1980

Time: 8:30 P.M.

Act No. 80-379

H. 942—Owens

AN ACT

Relating to Bibb County; providing an additional expense allowance for the secretary of the board of Equalization.

Be It Enacted by the Legislature of Alabama:

Section 1. The secretary of the board of Equalization of Bibb County shall receive an additional expense allowance in the amount of \$200 per month to be paid out of the county general fund. The expense allowance provided for in this act shall be in addition to any and all other compensation, salary and expense allowances provided for by law.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1980

Time: 8:30 P.M.

Act No. 80-380

H. 943—Owens

AN ACT

Relating to Bibb County; providing an additional expense allowance for the county superintendent of education which shall be in lieu of the dwelling now furnished to said superintendent; and to make the expense allowance provision of this act retroactive.

Be It Enacted by the Legislature of Alabama:

Section 1. The county superintendent of education of Bibb County shall be entitled to an additional expense allowance in the amount of \$200 per month to be paid out of the same funds from which his salary is now paid. Said expense allowance shall be in addition to any and all other compensation, salary and expense allowances provided for by law but it shall specifically be in lieu of the dwelling which is currently furnished to the superintendent of

education and he shall no longer be entitled to the furnishing of said dwelling at public expense.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law; the \$200 per month additional expense allowance provision of this act shall be retroactive to July 1, 1979.

Approved May 6, 1980

Time: 8:30 P.M.

Act No. 80-381

S. 318—White, Glass, Proctor,
Robertson, Harrison, Barron,
deGraffenried, Goodwin,
Parsons, Cook, Gullledge, Vacca,
Teague and Higginbotham

AN ACT

To establish the Alabama Human Resources Board to utilize all available manpower in the state; to provide for the membership of the board, to authorize the board to assign employable persons who receive public assistance to public works projects; to authorize the Commissioner of Pensions and Security to submit names of said persons; to establish the compensation of said persons; to provide for penalties for failure to do the assigned work; to establish criteria for those exempt from the program and provide for periodic review by the Department of Pensions and Security.

Be It Enacted by the Legislature of Alabama:

Section 1. The intent of this act is to establish a program to utilize all available manpower services, including any employable person who receives public assistance, so as to provide for the participation of such individuals in special work projects, thus restoring such persons and their families to independence and usefulness as productive community builders. The purpose in establishing and encouraging participation in the program is to allow the participants an opportunity to acquire a sense of dignity, self-worth and confidence from being recognized as a productive wage-earning member of society and as a positive example for their children and to upgrade their employment skills.

Section 2. There is hereby established a Alabama Human Resources Board consisting of the Governor of the State of Alabama, the Commissioner of the Department of Industrial Relations and the Commissioner of the Department of Pensions and Security, or whomever they may designate to serve in their place, provided however that such person shall be a regular employee of

the department that he represents. The Alabama Human Resources Board shall establish and administer a program for the assignment of persons eligible and receiving public assistance to public works projects conducted by the State of Alabama and its subdivisions within the confines of the state. The Alabama Human Resources Board shall formulate criteria and policies for the governance of the program. Such criteria and policies shall include internal administrative controls, sound accounting requirements, evaluation procedures, and standards for effective use of distributed funds.

Section 3. The Alabama Human Resources Board shall prescribe reasonable policies, rules and regulations to assign employable persons who receive public assistance to public works projects in any municipality, or to work in the operation of or in an activity of a nonprofit agency or institution pursuant to a contract with the municipality. Such persons may, at the discretion of the Alabama Human Resources Board, be assigned to work for other levels of state or local government besides the municipality or in an activity of a nonprofit agency or institution pursuant to a contract with that level of state or local government. Any such work projects shall be supervised by a Representative of the Alabama Human Resources Board or by a representative of the county office of pensions and security. Nothing in the provisions of this act shall be construed to prevent the reassignment of employable personnel from one level of government to another.

Section 4. The supervisor of each county department of pensions and security shall at the first of each month notify the Commissioner of the Department of Pensions and Security of persons in receipt of public assistance who, in his judgment and in accordance with the regulations established by the Alabama Human Resources Board, are able to perform work. The Commissioner of Pensions and Security shall submit the names of such employable persons to the Commissioner of the Department of Industrial Relations. From the time the said commissioner is so notified until such time as the person is assigned to a state public work project, the county director of pensions and security shall assign said employable person to perform work for a unit of local government within that county if such work is available and shall so notify the Department of Industrial Relations. The department may concur in such employment assigned without further need for assignment or reassignment, or may make another assignment. In assigning public work, neither the Commissioner of the Department of Pensions and Security nor the Commissioner of the Department of Industrial Relations shall assign any such employable person to replace any regular employee of any agency

of a political subdivision or of any agency of the state.

Section 5. The Alabama Human Resources Board shall establish regulations concerning the appropriateness of worksite assignments and the number of hours worked and compensation for such work; provided, however, that the person performing the assigned work shall work only the number of hours equal to the amount of his grant divided by an hourly wage rate commensurate with beginning regular employees similarly employed. No person shall be required to work for less than the established minimum wage. Performance of such work shall result in payment to the person of his public assistance grant.

Section 6. Refusal without good cause to report for and perform work assigned to the recipient of public assistance shall result in the immediate suspension of benefits until the recipient reports for and performs the work to which he has been assigned.

Section 7. Good cause for refusal to work shall consist of:

1. Being less than sixteen (16) years of age or more than sixty-five (65) years of age;
2. Full time attendance of school;
3. Physical or mental incapacity to engage in a particular type of work, as medically certified by a physician licensed by the State of Alabama;
4. If the position offered is vacant due directly to a labor strike or lock-out currently in active progress;
5. Being the mother or other relative of a minor under six (6) years of age and being primarily responsible for care of the child. Only one member of the family or household may claim this exemption;
6. Being a person whose presence in the home is required by the illness or incapacity of another member of the household, as medically certified by a physician licensed by the State of Alabama. Only one member of the family or household may claim this exemption.

If a family qualifies for an exemption under both paragraph (5) and paragraph (6) above, only one member of the household may claim exemption from participation in the public work program on the basis of these two exemptions.

The Department of Pensions and Security shall periodically review the eligibility of persons who claim good cause for refusal to work and report its findings to the Alabama Human Resources

Board.

Section 8. If a recipient is injured while performing work assigned by the Alabama Human Resources Board, liability for such injury shall be assumed by the State of Alabama, pursuant to the Workmen's Compensation Act, §25-5-1 through 25-5-231, Code of Alabama, 1975, unless such persons are deserving additional public assistance benefits.

Section 9. The provisions of this act shall not apply to any person receiving benefits under Section 25-4-1 through 25-4-148, Code of Alabama, 1975.

Section 10. The criteria, rules, and regulations established by the Alabama Human Resources Board shall be submitted to the Alabama Legislature for their consideration. Such criteria, rules, and regulations shall be voided upon a majority vote of both houses. If no such vote takes place, the criteria, rules, and regulations established by the Alabama Human Resources Board shall be automatically accepted and instituted.

Section 11. The grants for performance of public work shall be payable out of the funds appropriated to the Department of Industrial Relations and to the Department of Pensions and Security.

Section 12. No provision of this act shall be construed to conflict with the constitutional right of any citizen.

Section 13. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remain.

Section 14. All laws or parts of laws which conflict with this act are hereby repealed.

Section 15. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 7, 1980

Time: 11:30 A.M.

Act No. 80-382

H. 82—Sandusky

AN ACT

To promote temperance by regulating the sale of alcoholic beverages; to authorize the Alabama alcoholic beverage control board to permit the handling and

sale of table wine, containing not more than 14% alcohol by volume, by its licensees; to define terms, including wine, table wine, fortified wine or vinous liquor, manufacturer, wine wholesaler and wine retailer; to provide for the licensing of wine manufacturers, wine importers, wine wholesalers and wine retailers by Alabama alcoholic beverage control board; to impose state filing fees thereon and to levy state license fees on wine wholesalers, importers and retailers; to authorize the levy of county and municipal license fees thereon; to impose exclusive statewide tax on or measured by the sale of table wine and provide for the collection, administration and distribution thereof; to prescribe violations and offenses, and provide for the imposition of fines and the suspension or revocation of licenses.

Be It Enacted by the Legislature of Alabama:

Section 1. Short Title.—This act shall be known as and may be cited as “Alabama table wine act.”

Section 2. Legislative Intent.—The public interest lying in the promotion of temperance by and through the proper regulation of alcoholic beverages, through the instrumentality of the Alabama alcoholic beverage control board and otherwise, it is the intent of the legislature and declared to be the purpose and intent of this Act to promote temperance and to further regulate the sale of alcoholic beverages in the state by distinguishing between fortified wine or vinous liquor having more than fourteen percent (14%) alcohol by volume and table wine having not more than fourteen percent (14%) alcohol by volume, which is hereby declared to be non-liquor and not vinous liquor, and specifically to authorize and regulate the sale and handling of table wine in Alabama by wine manufacturers, wholesalers and retailers licensed by the board.

Section 3. Definitions.—The following words or phrases, unless the context clearly indicates otherwise, shall have the meaning ascribed to them in this section.

(a) **BOARD.** The Alabama alcoholic beverage control board.

(b) **WINE.** All beverages made from the fermentation of fruits, berries or grapes, with or without added spirits and produced in accordance with the laws and regulations of the United States, containing not more than twenty-four percent alcohol by volume, and includes all sparkling wines, carbonated wines, special natural wines, rectified wines, vermouths and like products, including restored or unrestored pure condensed juice.

(c) **TABLE WINE.** Any wine containing not more than fourteen percent alcohol by volume. Table wine is not vinous liquor.

(d) **FORTIFIED WINE or VINOUS LIQUOR.** Any wine containing more than fourteen percent alcohol but not more than twenty-four percent alcohol by volume.

(e) **MANUFACTURER.** Any person, association or corporation engaged in the producing, bottling, manufacturing, distilling, rectifying or compounding of wine.

(f) **WINE WHOLESALER.** Any person licensed by the board to engage in the sale and distribution of table wine at wholesale only to be sold for export or to wine retailers or to licensees and others within this state lawfully authorized to sell wine.

(g) **WINE RETAILER.** Any person licensed by the board to engage in the retail sale of table wine to be consumed off the premises, and who do not possess a state liquor license.

(h) **MUNICIPALITY.** Any incorporated city or town.

(i) **PERSON.** Every natural person, association, or coporation. Whenever used in a clause prescribing or imposing a fine or imprisonment, or both, the term "person" as applied to "association" shall mean the partners or members thereof, as applied to "corporation" shall mean the officers thereof, and as applied to incorporated clubs shall mean such individual or individuals who, under the bylaws of such clubs, shall have jurisdiction over the possession and sale of table wine therein.

Section 4. Table wine may be sold in any county in Alabama which is now wet or may hereafter be designated a wet county pursuant to law, as follows:

(a) A licensed wine manufacturer may sell table wine to any wine wholesaler or importer licensed to sell wine or to the board;

(b) A licensed wine importer may sell table wine to any wine wholesaler licensed to sell wine or to the board or state;

(c) A licensed wine wholesaler may sell, at wholesale only, table wine that has been purchased from a licensed manufacturer or importer to a licensed wine retailer or to a licensee of the board or other person lawfully authorized to sell wine in this state, or for export;

(d) A licensed wine retailer may sell table wine at retail for off-premises consumption only; provided, however, a licensee of the board authorized to sell at retail alcoholic beverages for on-premises consumption may sell table wine at retail for consumption on-premises and off-premises.

Section 5. Licenses. The board shall have full and final authority, with the approval of the county or municipal governing body, to issue and renew licenses of wine retailers, wholesalers,

importers and manufacturers to sell and handle table wine in this state. Licenses issued under this Act to wine retailers, wholesalers, importers or manufacturers shall, unless revoked in the manner provided in this Act, be valid for the license year which shall begin on the 1st day of October of each year.

Section 6. Application.—Every applicant for a wine retailer's or wholesaler's license shall file a written application with the board in such form as the board may prescribe, which shall be accompanied by the appropriate license fee as prescribed in this Act and, in the case of an original application, by a filing fee of \$50, together with the amount or amounts of the prescribed license fee or fees, if any, levied by the county or counties in which the licensee operates, and, in the case of a wholesaler, accompanied by the bond required by Section 9 of this Act.

Section 7. Issuance.—Upon receipt of the application, the proper fees, the bond, if required, and upon being satisfied of the truth of the statements in the application and the applicant is a person of good repute the board shall grant and issue to the applicant a wine retailer's or wine wholesaler's license entitling the applicant to sell or distribute table wine in this state as set forth in Section 4 of this Act.

Section 8. Wine Retailer's License.—Upon applicant's compliance with Section 6 hereof, the board shall issue a wine retailer's license for any retail outlet kept or operated by a wine retailer for the retail sale of table wines for off-premises consumption.

Section 9. Wine Wholesaler's License.—Upon applicant's compliance with Section 6 of this Act, the board shall issue to applicant a wine wholesaler's license which will authorize the licensee to import and receive shipments of table wine from outside the state from licensed wine manufacturers, to purchase table wine from licensed wine manufacturer or importer within the state, and to sell table wine to licensed wine retailers and all licensees or others within this state lawfully authorized to sell wine in this state, and to export table wine from the state. In addition, the applicant shall file with his original application a bond in the penal sum of not less than \$1000.00 nor more than \$10,000.00 conditioned upon the payment of the taxes to be collected by the wine wholesaler and remitted to the board.

Section 10. Wine Importer License.—Upon applicant's compliance with Section 6 hereof, the board shall issue to applicant an importer license which shall authorize the licensee to import table wine manufactured outside the United States of America into

this state or for sale or distribution within this state table wine to the board or the state, and table wine to wholesaler licensees of the board. No person shall import table wine manufactured outside the United States into this state or for sale or distribution within this state or to the state, the board or any licensee of the board, unless such person shall be granted an importer license issued by the board.

An importer license shall not sell any table wine for consumption on the premises where sold; nor, unless issued by a wholesale license, sell or deliver to any retailer; nor deliver any such table wine in other than original containers approved as to capacity by the board, and in accordance with standards of fill prescribed by the U.S. Treasury Department; nor maintain or operate within the state any place or places, other than the place or places covered by his or its importer license, where table wine is sold or where orders are taken.

Each importer licensee shall be required to file with the board, prior to making any sales in Alabama, a list of its labels to be sold in Alabama and shall file with the board its Federal Certificate of Label Approvals or its Certificates of Exemption as required by the U.S. Treasury Department. All table wine whose labels have not been registered as herein provided shall be considered contraband and may be seized by the board or its agents, or any peace officers of the state of Alabama without a warrant and said goods shall be delivered to the board and disposed of as provided by law.

All such importer licensees shall be required to mail to the board prior to the twentieth day of each month a consolidated report of all shipments of table wine made to each wholesaler during the preceding month and of all shipments of table wine received during the preceding month. Such reports shall be in such form and containing such information as the board may prescribe.

The books and records of such licensee shall, at all times, be open to inspection by members of the board, or by person duly authorized and designated by the board. Members of the board and its duly authorized agents shall have the right, without hindrance, to enter any place which is subject to inspection hereunder, or any place where such records are kept for the purpose of making such inspections and making transcripts thereof.

Licenses issued under this section shall, unless revoked or suspended in the manner provided in this Act, be valid for the license year commencing January 1 of each year.

Section 11. Wine Manufacturer's License.—Every manufacturer, or its designated representative, desiring to sell

table wines in or for resale in this state shall register with the board prior to making any such sales.

Each such manufacturer, or its designated representative, shall be required to file with the board, prior to making any sales in Alabama a list of its labels to be sold in this state and shall file with the board its Federal Certificate of label or its certificates of exemption as required by the U.S. Treasury Department. All table wines whose labels have not been registered as herein provided for shall be considered contraband and may be seized by the board or its agents, or any peace officer of the State of Alabama without a warrant and said goods shall be delivered to the board and disposed of as contraband alcohol as provided by law.

All such manufacturers, or their designated representatives, shall be required to mail to the board prior to the tenth day of the month a consolidated report of all shipments of table wine made to each wine wholesaler or importer in Alabama during the preceding month. Such reports shall be certified as true and correct and shall be a complete listing of all items shipped, an invoice setting out the quantities purchased and the price quotation showing at what price such wines were sold, the size, type, brand label and point of destination and such other information as the board may prescribe.

Section 12. License Renewal.—The wine retailer's, wine wholesaler's and wine manufacturer's license herein provided for shall be required to be renewed annually and shall be reissued upon payment to the board of the appropriate license fee or fees, unless the board has good cause for not reissuing the license.

Section 13. (a) License Fees For Licenses Issued By The Board.—The following annual license fees are levied and prescribed for licenses issued and renewed by the board pursuant to the authority contained in this Act:

- (1) Wine retailer's license, license fee of \$150.
- (2) Wine wholesaler's license, license fee of \$550.
- (3) Wine importer's license, license fee of \$500.
- (4) Wine manufacturer's license, license fee of \$500.

In addition, the county or municipality therein in which the wholesaler, importer or retailer sells or distributes table wine may fix a reasonable privilege or license tax on a wine wholesaler, importer or retailer located therein, conditioned on a permit or license being issued by the board. Provided, however, said county or municipality shall levy no license or privilege tax, or other charge for the privilege of doing business as a wine wholesaler, importer or

retailer, which shall exceed one-half the amount of the state license fee levied under the provisions of this Section for like privilege.

(b) **Payment, Collection and Administration.**—All license and filing fees levied or authorized by this Act, other than those levied by a municipality, shall be paid to the board. All filing and license fees paid to the board shall be paid into the state treasury to the credit of the beer tax and license fund of the board and each months' receipts shall be distributed to the state general fund no later than the end of the following month. All license fees levied by any county and paid the board shall be paid not later than the last day of the month following the month of collection to the county governing body which shall distribute the proceeds thereof.

Section 14. Regulation of the grant of licenses.—No license prescribed in this Act shall be issued or renewed until the provisions of this Act have been complied with and the filing and license fees other than those levied by a municipality are paid to the Board.

Every license issued under this Act shall be constantly and conspicuously displayed on the licensed premises.

Any wine retailer may be granted licenses to maintain, operate or conduct any number of places for the sale of table wine, but a separate license must be secured for each place where table wine is sold. Provided there shall be no licenses issued by the board for the sale of wine by rolling stores.

A malt or brewed beverage wholesale licensee may also be granted a wine wholesaler's license. No wine wholesaler shall maintain or operate any place where sales are made other than that for which the license is granted. No wine wholesaler shall maintain any place for the storage of table wine unless the same has been approved by the board. No wine wholesaler's license shall be issued for any premises in any part of which there is operated any retail license for the sale of liquor, wine, malt or brewed beverages.

Licenses shall be granted by the board only to reputable individuals, or to associations, partnerships and corporations whose members or officer and directors are reputable individuals.

Licenses issued under this Act may not be assigned. The board is hereby authorized to transfer any license from one person to another, or from one place to another within the same municipality, or both, as the board may determine; but no transfers shall be made to a person who would not have been eligible to receive the license originally, nor for the transaction of business at a place for which the license could not originally have been issued lawfully.

Every applicant for a transfer of license shall file a written application with the board within such time as the board shall fix in its regulations. Whenever any license is transferred, there shall be collected a filing fee of ten dollars, to be paid to the board for the use of the state.

In the event that any person to whom a license shall have been issued under the terms of this chapter shall become insolvent, make an assignment for the benefit of creditors, become a bankrupt by either voluntary or involuntary action, the license of such person shall immediately terminate and be cancelled without any action on the part of the board, and there shall be no refund made, or credit given, for the unused portion of the license fee for the remainder of the license year for which said license was granted. Thereafter no license shall be issued by the board for the premises, wherein said license was conducted, to any assignee, committee, trustee, receiver or successor of such licensee until a hearing has been held by the board as in the case of a new application for license. In all such cases, the board shall have the sole and final discretion as to the propriety of the issuance of a license for such premises, and to the time it shall issue, and the period for which it shall be issued, and shall have the further power to exact conditions under which said licensed premises shall be conducted.

Section 15. Suspension or revocation of licenses and fines.—The board shall have full and final authority as to the suspension and revocation of any license issued hereunder. In lieu of suspension or revocation, the board shall have the authority, in the case of a wine retailer, to invoke a penalty of not less than \$250.00 nor more than \$500.00 for one or more of the following violations of this Act:

- (a) selling wine other than during the legal hours of sale; or
- (b) selling wine to a minor.

The board upon sufficient cause being shown or proof being made that any licensee holding a license issued by the board, or any partners, members, officers or directors of the licensee has or have violated any of the provisions of this Act relating to the sale and handling of table wine and any of the laws of this state relating to the manufacture, sale, possession or transportation of malt or brewed beverages, alcohol or other alcoholic beverages, other than table wine, may upon due notice and proper hearing being given to the person so licensed, suspend or revoke the license issued by the board under the provisions of this Act. In all cases where the board shall suspend or revoke a license, it shall set forth its findings of fact, the evidence from which such findings of fact are made, and the reasons upon which its action is based. Any licensee whose

license is revoked by the board shall be ineligible to have a license under this Act, until the expiration of one year from the date such license was revoked.

Section 16. Tax on sale of table wine.—

(a) Levy.—There is hereby levied in addition to the license taxes provided for by this Act and municipal and county license taxes and in addition to any marked-up price made by the board on wine sold by the board a privilege or excise tax measured by and graduated in accordance with the volume of sales of table wine and shall be an amount equal to 35% of the cost of table wine to the wholesale licensee or board, to be collected from the purchaser by the board or by a licensed retailer.

(b) Collection.—The Tax levied by subsection (a) of this section shall be added to the sales price of all table wine sold and shall be collected from the purchasers. The tax shall be collected in the first instance from the wholesaler where table wine is sold or handled by wholesale licensees, and by the board from whomever makes sales when table wine is sold by the board. It shall be unlawful for any person who is required to pay the tax in the first instance to fail or refuse to add to the sales price and collect from purchaser the required amount of tax, it being the intent and purpose of this provision that the tax levied is in fact a levy on the consumer. The person who pays the tax in the first instance is acting as an agent of the state for the collection and payment of the tax and as such may not collect a tax on table wine for any other level of government.

The tax hereby levied shall be collected by a monthly return, which shall be filed by the wholesale licensees as follows: a monthly return filed with the board not later than the fifteenth day of the second month following the month of receipt of table wine by the wholesaler on a form prescribed by the board showing receipts by the wholesalers from manufacturer, importer or other wholesaler licensees during the month of receipt and the taxes due thereon at the rate of 30% of said wholesale cost; and the taxes due at such rate shall be remitted to the board along with the return; a monthly return filed with the county or municipality within which the wine is sold at retail filed not later than the fifteenth day of each month showing sales by wholesalers during the preceding month and the county or municipality in which sold and the taxes due thereon at the rate of 5% of said wholesale cost; and the taxes due at such rate shall be remitted to the county or municipality along with the return.

The tax hereby levied shall be collected by the board on the

table wine sold by the board and shall be paid as follows: taxes at the rate of 30% of said wholesale cost shall be remitted by the board into the state treasury and taxes at the rate of 5% of said wholesale cost shall be remitted by the board to the county or municipality within which the wine was sold at retail not later than the last day of the month following the month of sale, as set forth in subsection (c) of this section.

The board and the governing body of each county and municipality served by the wholesaler shall have the authority to examine the books and records of any person who sells, stores or receives for the purpose of distribution, any table wine, to determine the accuracy of any return required to be filed with it.

(c) Disposition of proceeds.—The proceeds of the tax levied by subsection (a) of this section shall be paid and distributed as follows:

(1) 30% of said wholesale cost shall be collected by the board on its sales or paid to the board by wholesale licensees on their sales, and by the board paid into the state treasury to be credited as net profits from operation of the board to be distributed as provided by law.

(2) 5% of said wholesale cost shall be paid by the board on its sales or by wholesale licensees on their sales, either into the treasury of the municipality in which the table wine was sold at retail within its corporate limits, or, where sold outside the corporate limits of any municipality, into the treasury of the county in which the table wine was sold at retail.

(d) The tax herein levied is exclusive and shall be in lieu of all other and additional taxes state, county or municipality, imposed on or measured by the sale of table wine; provided that nothing herein contained shall be construed to exempt the retail sale of table wine from the levy of tax on general retail sales by the state, county or municipality in the nature of, or in lieu of, a general sales tax.

(e) The tax levied by subsection (a) of this section shall not be imposed upon the sale, trade or barter of table wine by one licensed wholesaler to another wholesaler licensed to sell and handle table wine in this state, which transaction is hereby made exempt from said tax; provided, however, the board may require written reporting of any such transaction in such form as the board may prescribe.

Section 17. Regulations of board; evidence.—The board may from time to time make such regulations not inconsistent with this Act and the purpose and intention thereof as it shall deem necessary for carrying out the provisions of this Act, and from time to time

alter, repeal or amend such regulations, or any of them.

Prima facie evidence of any such regulation may be given in all courts and proceedings by the production of what purports to be an official printed copy of such regulation, alteration, repeal or amendment.

Section 18. Sales by Manufacturers.—No manufacturer shall sell any table wine direct to any retailer or for consumption on the premises where sold, nor sell or deliver any such table wine in other than the original containers, nor shall any manufacturer maintain or operate within this state any place or places, other than the place or places covered by his or its license where table wine is sold or where orders therefor are taken. Provided, further that table wine which is manufactured in Alabama where 75% or more of the fruit or produce used in the manufacture of such wine is grown in Alabama, may be sold directly at retail by the licensed manufacturer only on the manufacturer's premises, for on-premise or off-premise consumption.

Section 19. Sales by Wholesalers.—No wine wholesaler shall purchase, receive or resell any table wine except in the original container as prepared for the market by the manufacturer.

Section 20. Sales by Retailers.—No wine retailer shall purchase or receive any table wine except from the board or from wine wholesalers duly licensed under this Act. All table wines must be received by the wine retailer in original containers as prepared for the market by the manufacturer. Wine retailers may sell or dispense at retail to be consumed off the premises only. On-premises retail licensees may break the bulk upon the licensed premises and sell or dispense at retail to be consumed on the premises, or sell or dispense at retail in original containers to be consumed on or off the premises.

Section 21. Unlawful Acts and Offenses.—It shall be unlawful:

A. (1) For any wine manufacturer or wine wholesaler, or the servants, agents or employees of the same, to sell, trade or barter in table wine between the hours of nine o'clock P.M. of any Saturday and six o'clock A.M. of the following Monday.

(2) For any licensee to sell, furnish or give away table wine to any person visibly intoxicated or to any insane person or any minor, or to habitual drunkards, or persons of known intemperate habits.

(3) For any retail licensee to sell, serve, furnish or give away or knowingly permit any person to sell, serve, furnish or give away

on the retail premises, any table wine to any person in any public place on Sunday.

(4) For any licensee to fail to keep for a period of at least three years, complete and truthful records covering the operation of his license and particularly showing the date of all purchases of table wine, the actual price paid therefor and the name of the vendor, or to refuse the board or any authorized employee of the board access thereto or the opportunity to make copies of the same when the request is made during business hours.

(5) For any licensee to refuse the board or any of its authorized employees the right to completely inspect the entire licensed premises at any time during which the premises are open for the transaction of business.

(6) For any licensee to be directly or indirectly employed by any other licensee engaged in the manufacture, storage, transportation or sale of table wine.

(7) For any licensee to knowingly sell any table wine to any person engaged in the business of illegally selling liquor, wine or malt or brewed beverages.

(8) For any person to manufacture, transport or import any table wine into Alabama, except in accordance with the reasonable rules and regulations of the board. Provided, however, that this provision shall not be construed to prohibit the transportation of table wines through the state or any dry county and not for delivery therein if such transportation is done in accordance with the reasonable rules and regulations of the board.

(9) For any person, firm, corporation, partnership or association who has not been licensed so to do under the appropriate provisions of this Act, to sell, offer for sale or have in possession for sale, any table wine. Any table wine so possessed, maintained or kept shall be contraband and subject to condemnation and confiscation as contraband alcohol as provided by law.

(10) For any person licensed to sell table wine to offer or give anything of value as a premium for the return of caps, stoppers, corks, stamps or labels taken from any bottle, case, barrel or package containing such table wine, or to offer to give anything of value as a premium or present to induce the purchase of such table wine or for any other purpose whatsoever in connection with the sale of such table wine. Provided, however, this provision shall not apply to the return of any moneys, specifically deposited for the return of the original containers to the owners thereof.

(11) For any licensee or transporter for hire to transport any table wine except in the original container, and for any transporter to transport any table wine in Alabama, unless such transporter shall hold a permit issued by the board.

(12) For any manufacturer or wholesaler to deliver any table wine excepting in vehicles bearing the name and address and permit number of such manufacturer or wholesaler painted or affixed on each side of such vehicle in letters no smaller than four inches in height.

Any violation of any of the subsections or provisions of this section shall be a misdemeanor punishable by a fine of not less than fifty dollars nor more than five hundred dollars, to which, at the discretion of the court or judge trying the case, may be added imprisonment in the county jail or at hard labor for the county for not more than six months for the first conviction; and on the second conviction of a violation of this subsection, the offense shall, in addition to a fine within the limits above named, be punishable by imprisonment or at hard labor for the county for not less than three months nor more than six months to be imposed by the court or judge trying the case; and, on the third and every subsequent conviction of a violation of this subsection, the offense shall, in addition to a fine within the limits above named, be punishable by imprisonment or at hard labor for the county for not less than six months nor more than twelve months.

Section 22. Interlocking businesses and interest prohibited.—No manufacturer and no officer or director of any manufacturer shall, at the same time, be a wine wholesaler or retailer, or an officer, director or stockholder or creditor of any wine wholesaler or retailer, nor except as hereinafter provided, be the owner, proprietor or lessor of any place covered directly or indirectly by any wine wholesaler's license or wine retailer's license or other retail license authorizing the sale of wine in this state.

No wine wholesaler and no officer or director of any wine wholesaler shall at the same time be a manufacturer or wine retailer, or be an officer, director, stockholder or creditor of a manufacturer or wine retailer, or be the owner, proprietor or lessor of any place covered by any retail table wine license.

No licensee licensed under this Act, shall directly or indirectly own any stock of, or have any financial interest in, any other class of business licensed under this Act.

Excepting as hereinafter provided, no wine manufacturer or wholesaler shall in any wise be interested, either directly or

indirectly in the ownership or leasehold of any property, or in any mortgage against the same, for which a liquor or wine retailer's license is granted; nor shall a wine manufacturer or wholesaler either directly or indirectly, lend any moneys, credit or equivalent thereof to any retailer in equipping, fitting out or maintaining and conducting, either in whole or in part, an establishment or business operated under a wine retailer's or liquor retail dispensers' license, excepting only the usual and customary credits allowed for returning packages or containers in which table wine was packed for market by the manufacturer.

Excepting as hereinafter provided, no manufacturer shall in any wise be interested, directly or indirectly, in the ownership or leasehold of any property, or any mortgage lien against the same, for which a wine wholesaler's license is granted, nor shall a manufacturer, either directly or indirectly, lend any moneys, credit or their equivalent to any wine wholesaler in equipping, fitting out, or maintaining and conducting, either in whole or in part, an establishment or business where table wines are licensed for sale by a wine wholesaler, excepting only the usual credits allowed for the return of packages or containers in which table wines were originally packed for the market by the manufacturer.

No wine wholesaler or retailer shall in any wise, either directly or indirectly, receive any credit, loan, moneys or the equivalent thereof from any other licensee, or from or through a subsidiary or affiliate of another licensee or from any firm, association, or corporation, except banking institution in which another licensee or any officer, director or firm member of another licensee has a substantial interest or exercises a control of its business policy for equipping, fitting out, payment of license fee, maintaining and conducting, either in whole or in part, an establishment or business operated under a wine wholesaler's or retailer's license, excepting only the usual and customary credits allowed for the return of packages or containers in which table wines were packed for the market by the manufacturer.

The purpose of this section is to require a separation of the financial and business interest between the various classes of business regulated by this Act, and no person or corporation shall by any device whatsoever, directly or indirectly, evade the provisions of this section.

Section 23. Advertising.—No sign of any kind advertising table wine shall be displayed outside any retail place of business. Radio, television, newspaper, magazine, billboard and commercial vehicle used for transportation of table wine may be used to advertise table wine in accordance with rules and regulations

issued by the board. No other advertising of table wine shall be permitted, except in accordance with rules and regulations issued by the board. Provided, however, that there shall be no advertising of table wine on billboards located in "dry" counties as defined in Chapter 2, Title 28, Code of Alabama 1975.

Section 24. Severability.—The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 25. Repealer.—All laws or parts of laws which conflict or are inconsistent with this Act are hereby repealed. The taxes imposed by §§ 28-3-200, 28-3-201, 28-3-202, 28-3-203, and 28-3-204 (being Act No. 79-761, Acts of Alabama 1979), Code of Alabama 1975, do not apply to the sale of table wine. Provided, however, nothing herein contained shall be construed to relieve any person from any tax liability, penalty or forfeiture incurred thereunder or under any local tax, county or municipal, hereby repealed, nor be construed to repeal any provision of law respecting the enforcement of any such tax liability, penalty or forfeiture incurred. Provided, further, that nothing herein contained shall be construed to repeal or as repealing Act No. 79-182, Acts of Alabama 1979.

Section 26. Effective date.—Upon its passage and approval by the Governor, or upon its otherwise becoming law, this Act shall become effective at midnight September 30, 1980.

Approved May 7, 1980

Time: 4:00 P.M.

Act No. 80-383

H. 48—Gafford

AN ACT

To provide for the establishment of the Birmingham Civic Center and the creation of the Birmingham-Jefferson County Civic Center Authority, a public corporation, for the purpose of establishing, maintaining and operating such civic center; to provide for the Board of Directors of said Authority, the composition, membership, terms of office, powers and duties of said Board; to grant the Authority the power of eminent domain; to authorize the Authority to construct, maintain, control, operate and manage said civic center, and certain offices, buildings, streets, boulevards, walkways, parkways, parks, monuments, statues, certain other structures, community or meeting houses, auditoriums, arenas, convention halls and sites, places of recreation, music halls, art museum, art exhibits and other exhibits for the advancement of the humanities and the cultural development and edification of the citizens of the county and municipality; to authorize the county and municipality to lease, sell, donate or otherwise convey to the Authority real or personal property, including park properties without authorizing an election of the qualified voters of the county or of the municipality provided that respective

governing body shall first determine that such lease, sale, donation, conveyance or appropriation will benefit the people of the county or municipality; to authorize the Authority to borrow money and to issue revenue bonds as evidence of money so borrowed, which bonds shall be payable solely from taxes payable to the authority by act of the Legislature heretofore or hereafter adopted and from revenues of the Authority derived from the authorized activities, operation and enterprises; to authorize the Authority to mortgage its property to secure the payment of principal and interest due on said bonds; to authorize the Authority to execute such contracts, documents and other instruments as it deems necessary to secure the payment of the principal and interest due on said bonds; to authorize the Authority to borrow money, to issue as evidence of its obligation to repay such money, its negotiable promissory notes and to provide the security for such notes and the refunding thereof by the issuance of notes or bonds; to provide for the Alcoholic Beverage Control Board to issue liquor licenses to the said civic center authority; to regulate the issuance of such licenses, the amount of license tax or fee payable therefor; to provide that pursuant to such license the Authority is authorized to keep and sell in its Civic Center, alcoholic, malt or vinous beverages and to further define "Authority" and "Civic Center"; to further provide for the financing for establishing, constructing, maintaining, and operating the said civic center by imposing and levying in Jefferson County a privilege or license tax on every person engaged in the county in the business of renting or furnishing any room or rooms, lodging or accommodations, in any hotel, motel, inn, tourist court, or any other place in which rooms, lodgings, or accommodations are rented or furnished for a consideration, and also a privilege or license tax on every person engaged in such county in the business of renting or furnishing space for the accommodations of trailers; and to provide for the levy, collection, manner of payment, and enforcement of an additional license tax on every person who sells, stores or delivers cigarettes or smoking tobacco in the county, for the purposes of financing the establishment, maintenance and operation of the said civic center; to provide the amount or rate of said taxes and certain exemptions therefrom; to provide for the method of collecting and enforcing said taxes; to provide for the collection of said taxes; to provide for the distribution of said taxes; to provide for a percentage of the taxes collected to be paid to the county for expenses incurred in the collection, enforcement and administration of said taxes; to express that the legislative intent of this act is to bring together all acts relating to the operation, construction, financing, and maintenance of the Birmingham Civic Center and the authority and powers of the Birmingham-Jefferson County Civic Center Authority; to provide that all taxes levied and all powers of the Authority shall continue except as herein amended; to expand the membership of the Board of Directors of the Authority to eleven; to define "Electoral College"; to further provide for notice of certain meetings and the definition of a quorum, terms of office and successors in office; to provide misdemeanor penalties for certain violations of the provisions of this act; and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. It is the legislative intent to compile in one act the acts, whether private, special, general or local, relating to the operation, construction, financing and maintenance of the Birmingham Civic Center and relating to the authority and powers of the Birmingham-Jefferson County Civic Center Authority and the county governing body; it is the further intent of this act: To expand the membership of the Board of Directors of the Authority to eleven; to define "Electoral College"; to further provide for notice of certain meetings and the definition of a quorum, terms of office and successors in office; and to repeal conflicting laws.

Section 2. The words and terms used in this act shall have the meanings respectively ascribed to them herein unless it is apparent from the context that a different meaning is intended. The word "county" shall mean Jefferson County. The term "county seat" shall mean the county seat of the county. The word "Authority" shall mean the Civic Center Authority created by this act. The word "person" shall mean and include a natural person, a corporation, a partnership, an association or any other entity. The term "next to the largest municipality" shall mean that municipality of the county which according to the last or any subsequent federal census has the largest population of any municipality in the county excluding the county seat. The word "Mayor" shall mean the Mayor or other chief executive officer of Birmingham, Alabama. The masculine shall include the feminine and neuter; and the neuter shall include the masculine and feminine.

Section 3. The Legislature has found and determined that in the county the following conditions exist: (1) That there is a great metropolitan area extending over a substantial portion of the territory lying within the boundaries of the county; (2) that in the county there is a large number of municipalities, with the municipalities being contiguous to each other in many instances; (3) that it is to the interest of the citizens of the county that there be established at the county seat a civic center; (4) that such civic center, though located in Birmingham, Alabama, will be a great cultural asset and constitute a great civic betterment for all people of the county, which will be to the interest of all of the people of the county; and (5) that it is desirable that there be established to operate, control and manage the civic center the public corporation created by this act, vested with the powers conferred on said corporation by this act. The Legislature declares that it is the purpose of this act to facilitate, in the manner hereinafter prescribed, the establishment, maintenance and operation of a civic center in the county and to provide for the operation and management of such civic center by the public corporation created by this act.

Section 4. There is hereby established in the county a public corporation for the purposes hereinafter specified, which corporation shall be vested with the powers conferred upon it by this act. The said public corporation is at times hereinafter referred to as "the Authority."

Subject to the conditions and qualifications hereinafter stated, the name of the said corporation shall be the Birmingham-Jefferson County Civic Center Authority. The Board of Directors of the Authority may choose some name other than that above

specified at any time it elects to do so; provided, however, that if the Board of Directors chooses any other name there shall be filed for record in the office of the Probate Judge of the county a copy of the resolution of the Board of Directors stating the name adopted by the Authority, which resolution shall be followed by a certificate signed by the Chairman of the Board of Directors stating the date on which the resolution was adopted and stating that the copy of the resolution preceding said certificate is a true and correct copy of the resolution adopted by the Board of Directors. The term "Legislative Electoral College," shall mean that group of legislators who shall appoint the non-ex officio members of the Board of Directors of the Authority, which group of legislators shall consist of the following: Each member of the House of Representatives of the Legislature of Alabama from that representative district in which the county is located and each member of the State Senate from that senatorial district in which the county is situated. The Senate delegation members shall jointly appoint five members and the House delegation members shall jointly appoint four members.

The affairs of the Authority shall be managed and controlled by a Board of Directors consisting of eleven members. One of said members shall be the mayor or chief executive officer of Birmingham, Alabama; at least two additional of said members shall be resident citizens of Birmingham, Alabama; one of said members shall be the President or Chairman of the governing body of the county; and none of said members shall be a member of the Legislative Electoral College. The resident citizens of Birmingham, Alabama and the remaining members shall be appointed in the manner hereinafter prescribed; provided, however, that one of the members of the Board shall be a resident of the area served by the branch courthouse of the county. The Chairman of the Board of Directors shall be elected by said Board after all members of the Board shall have been elected and qualified as such.

Within thirty days after this act, as amended, becomes applicable to the county, the chairman of each the House and Senate legislative delegation shall send written notice to each member of the Legislative Electoral College, requesting that the Legislative Electoral College appoint those members of the Board of Directors of the Authority to be appointed by the Legislative Electoral College. As soon as practical after the members of the Legislative Electoral College receive the said letters, the Legislative Electoral College shall appoint nine members of the Board of Directors of the Authority. The chairmen of each the House and Senate legislative delegation shall send written notice to the members of the Legislative Electoral College, other than themselves, notifying

them of the time and place of the meeting to be held for the purpose of appointing the members of the Board of Directors to be selected by the said College, which time shall be not less than six days subsequent to the date on which the said chairmen transmits said written notice to the members of the said College. In the event one of such chairmen fails to act, notice by the other to all members of the Legislative Electoral College shall be sufficient. The Legislative Electoral College may appoint the members of the Board of Directors to be appointed by it either at the initial meeting held for that purpose or at some later meeting; provided, however, that if the appointments are at a later meeting, the time and place of such later meeting shall be fixed by a majority vote of a quorum of the total membership of the Legislative Electoral College present and voting, at a meeting regularly called, or notice of the time and place of such later meeting given in the manner herein prescribed for giving the notice of the initial meeting of the Legislative Electoral College. The appointments by the Legislative Electoral College shall be by a majority vote of a quorum of the total membership of each house delegation present and voting on the respective appointments to be made by its body. The Senate delegation shall appoint five members and the House delegation shall appoint four members. Three members of the Board of Directors of the Authority elected by the Legislative Electoral College shall serve for a term of two years; three members of the Board of Directors of the Authority appointed by the Legislative Electoral College shall serve for a term of three years; and three members of the Board of Directors of the Authority elected by the Legislative Electoral College shall serve for a term of four years, as fixed by the Legislative Electoral College, which terms shall commence from the October 1 closest to the date on which they are elected. In the event that nine members of the Board of Directors were not initially serving or the terms of office of such members are not fixed by the Legislative Electoral College, a meeting shall be called in the same manner as hereinabove provided to appoint from the respective bodies the required additional member or members and to fix the terms of office of all elected members.

The persons who are to give notice of the meeting of the Legislative Electoral College shall notify the Mayor or chief executive officer of Birmingham, Alabama, and the President or Chairman of the governing body of the county.

The Board of Directors shall fix the time and place at which they shall meet for the purpose of electing a Chairman of the Board; and the said members shall give such notice as is deemed appropriate by them of the time and place of said meeting.

The Board of Directors shall elect a Chairman of the Board and he shall serve as Chairman until his term as a member of the Board, which he is serving at the time of his election as Chairman, expires. The Chairman shall preside at all meetings of the Board of Directors and the Chairman shall have a vote the same as any other member of the Board of Directors.

No person shall be appointed as a member of the Board of Directors of the Authority unless he is a qualified elector of the county. Not more than one member of the Board of Directors appointed by the Legislative Electoral College or by the Directors shall hold any public office; provided that this restriction shall not apply to the first members so appointed.

The members of the said Board of Directors shall serve without compensation except that they shall be reimbursed for actual expenses incurred in and about the performance of their duties hereunder.

In case a directorship held by an appointed director becomes vacant during his term his successor shall be appointed in the same manner in which he was elected. The successor shall be deemed to be appointed for the remainder of the term during which the vacancy occurred; provided, however, that if a person is elected to any vacant directorship during the last six months of any term of such directorship, he shall be deemed elected for the remainder of such term and for the next succeeding term of such directorship. In the event the Legislative Electoral College shall fail for any reason to elect within sixty days after this Act becomes applicable to the county, then in that event the person holding such directorship shall be deemed to serve until his successor is appointed by the Legislative Electoral College.

Each person presently serving on the board of the Birmingham-Jefferson County Civic Center shall continue in office until his term of office expires. Upon the passage of this Act the county house delegation and the county senate delegation each shall make one appointment; thereafter the county house delegation and the county senate delegation each shall make appointments as each term of office expires until the total membership appointed by said Legislative Electoral College is 11, with five members appointed by the senate delegation and four members appointed by the house delegation.

Section 5. The power of the said Authority shall be vested in and exercised by a majority of the members of the Board of Directors. The said Board may delegate to one or more of its

members or its officers, agents and employees such duties as it may deem proper. The Board of Directors shall elect a vice chairman of said Board, who shall serve as chairman in the event of the chairman's absence. The said Board of Directors shall also elect a treasurer and a secretary. The same person may serve as secretary and treasurer. The secretary and treasurer may or may not be a member of the Board. The treasurer shall act as custodian of all the funds, from whatever sources derived, received by the Authority. The treasurer shall deposit said monies in a separate account or accounts in one or more bank or banks or trust companies which are duly qualified and doing business in the State of Alabama; provided, however, that the Authority may by resolution or by trust indenture securing the issuance of bonds then authorized, designate a fiscal agent or trustee who shall be a bank or trust company duly qualified to do business in the State of Alabama and may authorize such fiscal agent or trustee to receive and disburse, upon such terms and conditions (and subject to such exceptions, if any) as may be specified in such resolution or trust indenture, all funds applicable to payment of said bonds.

The treasurer of the Authority shall execute a fidelity bond with a company authorized to write such bonds in the State of Alabama being surety thereon, which bond shall be in an amount approved by the Board of Directors of the Authority.

Contracts of the Authority shall be executed in the name of the Authority by the Chairman of the Board of Directors and attested by the secretary of the Authority. Except for bonds, it is not required that the seal be impressed or printed on contracts. It is further provided hereby that except for bonds, the Board of Directors may provide by resolution for a different form for the execution thereof by an officer or agent other than the chairman and secretary. But in no event shall a contract, irrespective of its form and of the persons executing the same, be binding unless such contract is authorized or ratified by the Board of Directors.

The Authority shall have authority to hire an architect or architects and enter into contracts for their services in designing and supervising the construction of any building, civic center, auditorium, arena, convention hall, music hall, art museum, places of recreation, art exhibits, office buildings and other structures that it shall desire to construct.

No member of the Board of Directors shall be interested, directly or indirectly, in any contract for work, material or services, or the profits therefrom to be furnished or performed for the Authority if such member has, directly or indirectly, more than a ten percent (10%) interest in any business, firm or corporation, or

profits thereof, furnishing or providing such work materials or services.

Section 6. The Authority shall be authorized to construct, maintain, control, operate and manage a Birmingham-Jefferson County Civic Center. The said civic center shall not be established in any area in the county seat unless such area has been first approved for the establishment of the civic center by a resolution adopted by the governing body of the county and a resolution adopted by the governing body of the county seat; and after the area of the civic center has been established, as aforesaid, the area shall not be extended unless the extension thereof has been first approved by a resolution adopted by the governing body of the county and a resolution adopted by the governing body of the county seat. The Authority shall be authorized to construct, maintain, control, operate and manage all or any of the following to be situated in the civic center; buildings to provide offices to be used by the State of Alabama or by any agency, subdivision or public corporation thereof or by the county or by one or more municipalities thereof for any municipal purpose otherwise authorized by law and buildings to house or accommodate public facilities of the State of Alabama, or of any agency, subdivision or public corporation thereof or of the county or of any one or more of said municipalities for any municipal purpose otherwise authorized by law; streets, boulevards, walkways, parkways and parks; monuments, statues and other structures beautifying the civic center; community houses or meeting houses or auditoriums; arenas, convention halls and convention sites; music halls, art museums; places of recreation; art exhibits and other exhibits for the advancement of the humanities and the cultural development and edification of the citizens of the county and of the municipalities located therein.

The Authority shall have the power: (a) To sue and be sued; (b) to acquire property and rights and interests in property by gift, lease, purchase or by the exercise of eminent domain; (c) to have a seal and alter the same at pleasure; (d) to appoint officers, agents, employees and attorneys, and to fix their compensation; (e) to make by-laws for the management and regulation of its affairs; (f) to make contracts, and to execute all instruments necessary or convenient to lease or purchase and own real or personal property to be used for the furtherance of the purposes for the accomplishment of which such Authority is created; (g) to arrange, sponsor and conduct programs and exhibits in the civic center for the advancement of the cultural, civic and scientific interests and welfare of the citizens of the county and of the municipalities thereof and for the advancement of the humanities; (h) to promote, sponsor and operate in the civic center exhibitions and recreational

activities; (i) to charge fees for admission; (j) to lease or sublease to the State of Alabama or any agency, political corporation or subdivision thereof, or to the county or to any municipality of the county, or to other persons any property owned or leased by or under control of the Authority; to purchase or lease real property and rights or easements therein necessary or convenient for its corporate purposes and to use the same so long as its corporate existence shall continue; (k) to accept or receive gifts, bequests and devises; and (l) to do all things necessary or convenient to carry out the powers expressly given herein.

For the aforesaid purposes and for no other purposes the Authority shall be authorized to use and apply the proceeds of any taxes which the Legislature provides shall be payable to the Authority.

Subject to the conditions stated in the sentence next following, the county and each municipality thereof are authorized, but not required, to lease, sell, donate or otherwise convey to the Authority real or personal property, including park properties, without authorization by election of the qualified voters of the county or of the municipality; and subject to the conditions stated in the sentence next following, the county and each municipality thereof are authorized, but not required, to appropriate public funds of the county or of the municipality, as the case may be, to the Authority, to be used by the Authority for purposes hereinabove enumerated. The county shall not lease, sell, donate or convey any property to the Authority, or appropriate any money to the Authority, unless the governing body of the county has determined that such lease, sale, donation, conveyance or appropriation will benefit the people of the county to such an extent as to fully warrant and justify the lease, sale, donation, conveyance or appropriation; and no municipality shall lease, sell, donate or convey any property to the Authority or appropriate any money to the Authority unless the governing body of such municipality has determined that such lease, sale, donation, conveyance or appropriation will benefit the people of the municipality to such an extent as to fully warrant and justify the lease, sale, donation, conveyance or appropriation.

The Authority shall be authorized to invest any of its funds not needed to meet disbursements, in bonds or obligations of the United States of America or to deposit such funds in any bank or building and loan association, provided such deposit is fully insured by a federal corporation or agency of the Federal Government insuring deposits in financial institutions, or secured by a deposit of bonds or obligations of the United States of America.

This act shall not be construed to limit the right, power or

authority of any municipality to operate facilities similar to the facilities provided for by this act. Without limiting the generality of the next foregoing sentence, it is expressly provided that this act shall not in any way affect any auditorium, art museum, or other facility presently owned or hereafter acquired by any municipality, whether situated in the civic center or elsewhere.

Section 7. (a) Subject to the conditions, qualifications and restrictions set forth in subsection (b), below, of this Section 7, the Authority shall have the power to borrow money and to issue revenue bonds as evidence of money so borrowed, which bonds shall be payable solely from taxes made payable to the Authority by any act of the Legislature heretofore or hereafter adopted and from the revenues of the Authority derived from the activities, operations and enterprises in which the Authority is hereby authorized to engage. As security for any money so borrowed, together with interest thereon, and any obligations incurred or assumed, the Authority, in its discretion, may mortgage, pledge or otherwise transfer and convey its real, personal and mixed property, or any part or parts thereof, whether then owned or thereafter acquired, including any franchises then owned or thereafter acquired and all or any part of the taxes payable to the Authority under any act of the Legislature heretofore or hereafter adopted and all or any part of revenues derived from the activities, operation and enterprises in which the Authority is hereby authorized to engage. In the resolution authorizing such revenue bonds or the mortgage given to secure the payment thereof, the Authority, in addition to its other powers, shall have the power to agree with the several holders of such bonds and to make, enter into and perform covenants and agreements as to:

(1) The custody, security, use, expenditure or application of the proceeds of the bonds;

(2) the conduct, management and maintenance of the properties held by the Authority or of the activities, operations and enterprises then or thereafter conducted by the Authority;

(3) insurance of the properties of the Authority;

(4) restrictions on the exercise of the powers of the Authority to dispose, or to limit or regulate the use, of all or any part of the properties of the Authority;

(5) the payment of the principal of or interest on the bonds the rank or priority of any such bonds as to any lien or security, or the acceleration of the maturities of any such bonds;

(6) the use and disposition of any moneys of the Authority, including taxes payable to the Authority under any act of the

Legislature heretofore or hereafter adopted and revenues derived or to be derived from the activities, operations and enterprises of all or any part of the properties of the Authority, including any part or parts theretofore constructed or acquired and any parts, extensions, replacements or improvements thereof thereafter constructed or acquired;

(7) pledging, setting aside, depositing or trusteeing all or any part of the revenues or other moneys of the Authority to secure the payment of the principal of or interest on the bonds, or the payment of expenses of operation or maintenance of the properties of the Authority;

(8) the setting aside of the taxes payable to the Authority under any act of the Legislature heretofore or hereafter adopted and/or use of the revenues or the moneys of the Authority or reserves and sinking funds, and the source, custody, security, regulation, application and disposition thereof;

(9) the assumption or payment or discharge of any indebtedness, liens or other claims relating to any part of the properties of the Authority or any obligations constituting, or which may constitute, a lien on such properties or any part thereof;

(10) limitations on the issuance of additional bonds, notes or other evidences of indebtedness or upon the incurrence of indebtedness of the Authority;

(11) payment of costs or expenses incident to the enforcement of the bonds or of the provisions of such resolution or mortgage, of any covenant or agreement with the holders of the bonds;

(12) the procedure, if any, by which the terms of any covenant or agreement with, or duty to, the holders of the bonds may be amended or abrogated, the amount of bonds, the holders of which must consent thereto, and the manner in which such consent may be given or evidenced;

(13) the terms and conditions upon which the holders of said bonds, or any proportion of them, or any trustees therefor, shall be entitled to the appointment of a receiver by any court of competent jurisdiction, which receiver may enter and take possession of the properties of the Authority and operate and maintain the same and prescribe rates, rents, fees or charges, and collect, receive and apply all revenue arising from the operation of such properties in the same manner as the Authority itself might do; or

(14) any other matter or course of conduct which, by recital in such resolution or mortgage is declared to further secure the payment of the principal of or interest on the bonds.

All such provisions of said resolution or mortgage and of such covenants and agreements, shall constitute valid and legally binding contracts between the Authority and the several holders of the bonds, regardless of the time of issuance of such bonds, and shall be enforceable by any such holder or holders by mandamus or other appropriate action, suit, or proceeding at law or in equity in any court of competent jurisdiction. The circuit court of Alabama, or any court of competent jurisdiction, shall have authority to appoint a receiver for the properties of the Authority, upon the terms and conditions specified in the resolution authorizing the issuance of the bonds or in any mortgage securing the payment of the principal and interest thereof. Any mortgage given as security for the payment of said bonds may contain such agreements as the Authority shall deem advisable respecting the rights and duties of the parties to such instrument or for the benefit of whom such instrument is made, including the right to foreclose or to take possession without foreclosure. Revenue bonds issued under the authority of this section may be in such form and tenor, may bear such rate or rates of interest, and have such maturities and redemption privileges as the Authority shall determine.

Such bonds so issued may thereafter, from time to time, be refunded by the issuance or sale or exchange of refunding bonds at such times and in such forms and of such tenor, maturities or rate or rates of interest as may be agreed upon by the Authority and the holders of the bonds so refunded if such refunding is by exchange, and as may be determined by the Authority if such refunding is by sale of refunding bonds. Such Authority may restrict the source of payment of such bonds and the security given therefor to whatever extent the Authority shall deem advisable, but no such bonds shall purport to be effective to impose on the Authority or its funds or property, any liability in excess of or inconsistent with the liability authorized to be incurred or assumed by this act, or any liability inconsistent with or prohibited by any provision of the Constitution of Alabama. Such borrowing may be effected by sale of such bonds at public sale in such manner and from time to time as may be determined by the Authority to be most advantageous, and the Authority may pay all expenses, premiums and commissions which the Authority may deem necessary and advantageous in connection with any such financing. All such bonds shall be regarded as negotiable instruments. All such bonds and interest payable thereon and all instruments executed as security therefor shall be exempt from all taxation under the laws of the State of Alabama. Neither the county nor any municipality of the county shall in any event be liable for any money so borrowed; and no indebtedness of the Authority shall ever be held to be an indebtedness of the county

or of any municipality of the county. The bonds provided for herein shall be issued in the name of the Authority and shall be executed in such name by the chairman of the Board of Directors, attested by the secretary of the board, and thereupon shall be impressed or printed the corporate seal. Coupons attached to said bonds may be executed solely by impressing or printing thereon the facsimile signature of the chairman.

The impressing or printing of a facsimile seal of the Authority shall be sufficient; but no seal on the coupons shall be required.

(b) The power vested in the Authority to pledge taxes required by this act to be paid to the Authority or to pledge revenue of the Authority shall not be construed as undertaking or purporting to empower the Authority to pledge any tax or any revenue if such pledge is prohibited by any provision of the Constitution of Alabama. It is expressly provided, however, that the Authority shall have the power to pledge any tax paid to the Authority or revenue of the Authority, the pledge of which is authorized by the Constitution of Alabama.

Section 8. The Authority pursuant to Act No. 547, enacted by the Legislature of Alabama at its 1965 Regular Session, approved August 20, 1965 (Acts of 1965, p. 797 et seq.) as amended, is hereby granted the power and authority, in addition to the power and authority heretofore granted by act of the Legislature or by amendment to the Constitution, to borrow money from time to time for any corporate purpose and to issue its negotiable promissory note or notes to mature not later than three years from date of issue, as evidence of its obligation to repay the money so borrowed, with interest thereon, such notes to be payable solely (i) from one or more of the sources from which bonds authorized by said Act No. 547 or by Amendment CCLXXX to the Constitution (which was proposed by Act No. 279 enacted by the Legislature of Alabama at its 1967 Regular Session) are payable and, if the note or notes shall be issued to provide funds for a purpose for which such bonds are authorized to be issued; also (ii) from the proceeds of any like promissory notes or bonds which may be issued to fund or refund such promissory notes. The Authority shall have the same power and authority with respect to such negotiable promissory notes as those which were granted to it with respect to the issuance of bonds by Section 7 of said Act No. 547 and by said Amendment CCLXXX to the Constitution; provided, however, that such promissory notes may be placed or sold at private negotiated sale without competitive bidding, and such negotiable promissory notes may be executed without the seal of such Civic Center Authority being affixed thereto.

Section 9. (a) For the purposes of the establishment, maintenance and operation of the civic center in the county by the said corporation taxes are hereby levied, payable to the said corporation, as set out in this section.

(b) In addition to the definitions prescribed in Section 2 of this act, the words and terms defined in this section shall have the meanings respectively ascribed to them herein unless it is apparent from the context that a different meaning is intended. The term "Director of Revenue" shall mean that officer or employee of the county chargeable with the duty of collecting county licenses or privilege taxes, whether such officer be the Probate Judge of the county, the Director of the Department of Revenue of the county, the License Commissioner or License Inspector of the county or some other officer or employee of the county. The term "transient" shall mean a person renting a room for a period of less than thirty (30) continuous days in a hotel, motel, inn, tourist court, or in any other place or establishment in which rooms, lodgings or accommodations are furnished for a consideration. The term "tobacco products" shall mean cigarettes and smoking tobacco. The term "effective date of the taxes" means the date on which the taxes levied by this act shall become effective, or go into effect, as specified in subsection (c) of this section.

(c) The taxes levied by this act shall become effective, or go into effect, on the first day of the calendar month next following that calendar month in which there was adopted the act creating the public corporation for the purpose of establishing, maintaining and operating the Birmingham-Jefferson County Civic Center.

(d) Before the 20th day of each calendar month the Director of Revenue shall pay to the Authority all of the licenses and privilege taxes hereinafter levied by this section received by him during the next preceding calendar month, less the amount which subsection (e) of this section provides that the Director of Revenue shall retain for enforcing and administering this act and for collecting the said taxes. To reimburse the county for the expenses incurred by it in enforcing and administering this act and collecting the said taxes, the Director of Revenue shall withhold an amount equal to one per cent (1%) of all taxes received by him; and he shall pay the amount so withheld by him into the general treasury of the county not later than the 20th day of the calendar month next succeeding the calendar month in which he received the taxes from which said amount is withheld.

(e) (i) Commencing on the effective date of the taxes, (as herein specified), in addition to all other taxes imposed by law there is hereby levied and shall be collected by the Director of

Revenue, as herein provided, a privilege or license tax in the amount hereinafter prescribed against every person engaging in the county in the business of renting or furnishing any room or rooms, lodging or accommodations, to any transients in any hotel, motel, inn, tourist court, or any other place in which rooms, lodgings or accommodations are regularly furnished to transients for a consideration. The Director of Revenue shall pay all taxes collected under this act to the Authority within the time prescribed by subsection (d) herein less the amount thereof which the Director of Revenue is required to pay to the treasury of the county. The amount of the tax shall be equal to one per cent (1%) of the charge for such room, rooms, lodgings or accommodations, including the charge for use or rental of personal property and services furnished in such room or rooms. Commencing on the effective date of the taxes, there is also hereby levied, in addition to all other taxes now imposed by law, a privilege or license tax, in the amount hereinafter prescribed, against every person engaged in the county in the business of renting or furnishing space for accommodation of trailers. The amount of the last mentioned tax shall be equal to one per cent (1%) of the charge for such trailer space.

There are exempted from the provisions of the tax levied by this subsection and from the computation of the amount of the tax levied or payable hereunder the following: (1) Charges for property sold or services furnished which are required to be included in the tax levied by Act No. 100 of the Second Special Session of 1959 of the Legislature of Alabama (Ala. Acts 1959, page 298, et seq.) as amended, said Act being commonly referred to as the "State Sales Tax Act"; (2) boarding houses, tourist homes and similar establishments regularly offering less than five (5) rooms for rental to transients; (3) charges for the rental of rooms, lodgings or accommodations furnished by any hospital, nursing home, convalescent home or by any charitable or eleemosynary institution; (4) Charges for the rental of rooms, lodgings or accommodations to a person for a period of thirty continuous days or more; (5) charges for the renting or furnishing of space for the accommodation of a trailer to a person for a period of thirty (30) continuous days or more.

(ii) In addition to all other taxes now imposed by law, after the effective date of the taxes, and in addition to the taxes prescribed in subsection (e) (i) of this section, every person who sells, stores or delivers any cigarettes or smoking tobacco in the county shall pay a license tax in the amount hereinafter prescribed to the Director of Revenue. The Director of Revenue shall pay all of the taxes collected by him under this subsection to the Authority within the time prescribed by subsection (d) herein, less the amount which the

Director of Revenue is required to withhold and to pay to the treasury of the county. Commencing on the effective date of the taxes there is hereby levied a license tax on the sale, storage or delivery of packages of cigarettes at the following rate or rates: two cents (\$0.02) on each package of cigarettes containing not more than twenty (20) cigarettes and two cents (\$0.02) for each additional twenty (20) cigarettes or fractional part thereof in such package sold, stored or received for the purpose of distribution or sale to any person within the county. A license tax is hereby fixed, created and levied on the sale, storage or delivery of smoking tobacco sold, stored or received for the purpose of distribution or sale to any person within the county at the following rate or rates: upon each package containing not more than $1\frac{1}{8}$ ounces of smoking tobacco, $\frac{1}{2}$ cent (\$0.005); each package over $1\frac{1}{8}$ ounces and not exceeding 2 ounces, $1\frac{1}{2}$ cents (\$0.015); and over 2 ounces and not exceeding 3 ounces, $2\frac{1}{2}$ cents (\$0.025); and over 3 ounces and not exceeding 4 ounces, $3\frac{1}{2}$ cents (\$0.035); and 1 cent (\$0.01) additional for each ounce or fractional part thereof over 4 ounces. When the additional license tax hereby required to be paid shall have been paid by a wholesaler or seller of cigarettes or smoking tobacco, such payment shall be sufficient, the intent being that such license tax hereby required to be paid shall be paid but once on each package of cigarettes or smoking tobacco. The tax levied by this subsection shall be paid by the use of stamps as herein provided.

Before any cigarettes or smoking tobacco shall be sold within the limits of the county by any wholesaler or dealer, such wholesaler or dealer shall affix to each package of cigarettes or smoking tobacco a stamp or stamps obtained from the Director of Revenue of the county in the amount set forth in this subsection, in payment of the license taxes imposed by this act; provided, however, on each package of cigarettes containing five (5) or less cigarettes, where such package is designed by the manufacturer as a sample package and is used for sampling purposes, and where such sample package containing five (5) or less cigarettes is packed in cartons by the manufacturer, there is hereby fixed, created and levied a license tax in the amount of two cents (\$0.02) for each twenty (20) cigarettes or fractional part thereof packed in the total packages contained in such carton. Such tax shall be paid by the use of stamps as herein provided; and the said stamps shall be affixed to the outside of the carton containing said cigarettes at the rate of two cents (\$0.02) for each 20 cigarettes or fractional part thereof contained or packaged in such carton. The stamps affixed to the carton, in accordance with the next foregoing sentence, shall be cancelled in the same manner as other stamps are cancelled as herein provided, and the person affixing such stamps shall stamp or write on the carton the name of

the dealer or wholesaler, or other person responsible for the distribution of such sample packages of cigarettes, along with the date such stamps are affixed or cancelled. It shall be unlawful for any person to sell or offer to sell, barter or offer to sell or barter, any cigarettes that were packaged by the manufacturer and intended for sampling purposes.

Every dealer shall within one hour after receipt of any cigarettes or smoking tobacco within the county, unless sooner offered for sale, cause stamps in the requisite amount of the tax to be affixed as herein provided, and shall cause the same to be cancelled by writing or stamping across the face of each stamp a registered number furnished such dealer by the Director of Revenue of the county. After such stamping has begun, it shall be continued with reasonable diligence by such dealer until all the unstamped cigarettes or smoking tobacco have been stamped and the stamps cancelled as herein provided; but no stamps required to be affixed to any package of cigarettes or smoking tobacco shall, after the same has been affixed as herein provided, be again used in payment of any part of the tax levied by this act. Such stamps shall be affixed to each individual package of cigarettes or smoking tobacco in such manner that its removal will require continued application of water or steam; and in such a way that the stamp will be torn in two or mutilated when the package is opened. Where cigarettes or smoking tobacco become unsalable, due to deterioration, molding, burning, aging, or any other cause or causes and tobacco stamps have previously been affixed to the said tobacco product subject to the tax and such tobacco products are in the possession of the wholesale dealer and have not been sold by him, the wholesale dealer may remove the tobacco stamps intact on the tobacco products and deliver the same to the Director of Revenue together with a sworn affidavit that the tobacco products from which the tobacco stamps were removed were unsalable and have been destroyed or returned to the manufacturer. The Director of Revenue shall then deliver to the said wholesale dealer an equivalent amount or number of unused tobacco tax stamps and shall destroy the tobacco tax stamps delivered to him by the dealer for exchange.

Every person who sells or stores or receives for the purpose of sale or distribution any article containing tobacco enumerated in this act shall add the amount of the license or privilege tax levied and assessed herein to the price of the article, it being the purpose and intent of this provision that the tax levied is in fact a levy on the consumer with the person who sells or stores or receives any such article for the purpose of selling or distributing the same being constituted by this act as agent of the Director of Revenue for the

collection of the tax. The dealer, storer, or distributor shall state the amount of the tax separately from the price of the article on all price display signs, sales or delivery slips, bills and statements which advertise or indicate the price of the article. It shall be unlawful for any dealer, storer, or distributor engaged in or continuing within the county in the business for which the tax is herein required, to fail or refuse to add to the sales price and collect from the purchaser the amount due by the taxpayer on account of the tax herein provided or to refund or offer to refund all or any part of the amount collected, or to absorb or advertise directly or indirectly the absorption of the tax or any portion thereof.

The governing body of the county is hereby authorized and directed to have prepared and purchased stamps suitable for denoting the tax on all cigarettes or smoking tobacco subject to this act. The stamps shall be delivered to the Director of Revenue of the county who shall keep on hand for sale an adequate quantity of stamps to be affixed to each package of cigarettes or smoking tobacco subject to the tax herein levied. Anything to the contrary hereinabove notwithstanding, the governing body of the county is hereby authorized to purchase and use stamps for the collection of the taxes hereby imposed, which will enable the Director of Revenue to collect not only the taxes levied by this act on tobacco products but also taxes on tobacco products payable to the county and levied by any other act of the Legislature heretofore or hereafter adopted. In the event the governing body of the county elects to provide for the use of one form of stamp to effect the collection of any tax on tobacco products payable to the county in addition to the tax levied by this act, the governing body of the county shall have the authority to determine the words to be inscribed on the said stamps evidencing payment of all taxes payable to the county on tobacco products. Said stamps may be sold to the wholesale dealer by the Director of Revenue at the reduced price of ninety per cent of the full amount thereof, the reduced price from the full amount constituting compensation to the wholesale dealer for the labor of affixing them to the said tobacco products. Every person except such wholesale dealer must pay the full amount of the tax represented by said stamps purchased by him.

Every wholesale dealer at the time of selling and/or delivering any cigarette or smoking tobacco into the county shall make a true duplicate invoice of the same which shall show full and complete details of the sale and/or delivery of such tobacco products and shall also show the name and address of the purchaser thereof, and such wholesale dealer shall retain the same subject to the use and inspection of the Director of Revenue or his duly authorized deputy for a period of three years. Such wholesale dealer shall at the time of

selling and/or delivering such tobacco products into any county not subject to the provisions of this act make a true duplicate invoice of the same, which invoice shall show such sales of tobacco products in the county not subject to the provisions of this act but shall not include or be required to include sales of other articles or sales of tobacco products into any county subject to the provisions of this act. Such invoices shall show full and complete details of the sale and/or delivery of such tobacco products into any county not subject to the provisions of this act, including the name or names and addresses of the purchasers, and said wholesale dealer shall retain the same subject to the use and inspection of the Director of Revenue or his duly authorized deputy for a period of three years. Wholesale and retail dealers shall also keep a record of the purchase, sale, exchange, and/or receipt of all the aforesaid tobacco products and hold all books, records, cancelled checks and all other memoranda pertaining to such purchase, sale, exchange, and/or receipt for the period mentioned herein subject to the inspection of the Director of Revenue or his duly authorized deputy, who shall have the power and authority to enter upon the premises of any dealer and to examine such cigarettes or smoking tobacco, books, records and memoranda at all reasonable times. Any person who purchases and/or receives, in any manner whatsoever, any cigarettes or smoking tobacco which do not have affixed a stamp required by this act shall within three (3) days after receipt of such cigarettes or smoking tobacco report the receipt and purchase of same to the Director of Revenue, giving the date of purchase or receipt, the name of the person or firm from whom purchased or received, and a list describing the brand and quantity of cigarettes or smoking tobacco so purchased and received. Such report must be made by registered mail or in person. It shall be unlawful for any person to interfere or obstruct the Director of Revenue or his authorized deputy. The Director of Revenue or his authorized deputy shall have authority to seize any and all packages of cigarettes or smoking tobacco not properly stamped as provided for by this act, provided that this provision shall not apply to cigarettes or smoking tobacco in the possession of wholesale dealers or jobbers kept for the purpose of resale or reshipment into any county not subject to the provisions of this act. After such seizure, the Director of Revenue shall commence condemnation proceedings by filing a bill in equity in the circuit court of the county, praying that the cigarettes or smoking tobacco not properly stamped as provided for by this act be forfeited and sold. Any person in whose possession said cigarettes or smoking tobacco have been found or who shall claim to own the same, or any interest therein, shall be made a party defendant to said bill, and thereupon such matter shall proceed and be determined in equity in the circuit

court of the county. If the cigarettes or smoking tobacco are condemned and forfeited as being in violation of this act, the court shall direct in its decree that said cigarettes or smoking tobacco shall be delivered to the purchasing agent of the county to be sold by said purchasing agent at public outcry to the highest bidder for cash, after three (3) days' notice of such sale by posting a notice on any bulletin board located within the courthouse of any division of the county where said cigarettes or smoking tobacco were received. The purchasing agent shall pay the proceeds of such sale to the Director of Revenue who shall distribute such proceeds in the same manner as he distributes taxes paid to him under this act. From any decree and judgment of the circuit court, in equity, condemning any such cigarettes or smoking tobacco, any party or parties aggrieved thereby may appeal to the Court of Appeals of Alabama, within fifteen (15) days from the date of such decree or judgment, upon giving security for the cost of such appeal. From any judgment or decree of the circuit court, in equity, denying the condemnation and seizure of any such cigarettes or smoking tobacco, the Director of Revenue of the county may likewise appeal within fifteen (15) days without giving any bond. When any person or the Director of Revenue appeals the tobacco products involved shall remain in the custody of the Director of Revenue until a final determination of the cause on appeal. Upon any decree of condemnation and seizure, the court shall direct that the cost of the proceedings be paid by the person in whose possession said tobacco products were found, or by any person or parties who claim to own the same, or any interest therein, and who contests its condemnation and seizure.

Among others the following acts and omissions shall be unlawful: (1) It shall be unlawful for any person required by this act to affix stamps to cigarettes or smoking tobacco to fail to affix such stamps or to cancel stamps in the manner or within the time required by this act. (2) It shall be unlawful for any person to sell, offer for sale or deliver within the county any cigarettes or smoking tobacco to which stamps have not been affixed and cancelled as provided by this act. (3) It shall be unlawful for any person to have in his possession or under his control a package of cigarettes or smoking tobacco not properly stamped as required by this act for more than six hours after receipt of such cigarettes or smoking tobacco on the premises of such person, provided that this act shall not apply to cigarettes or smoking tobacco in the possession of wholesale dealers or jobbers kept for the purpose of resale or reshipment outside a county subject to the provisions of this act and which products are actually so resold or reshipped. (4) It shall be unlawful to manufacture, buy, sell, offer for sale, or possess, or to

attempt any reproduction or counterfeit of the stamps provided for in this act or to possess tools, implements, instruments, or materials of any kind necessary or appropriate to reproduce or counterfeit such stamps or to alter or cause to be altered any stamp herein provided for. (5) It shall be unlawful to remove from a package of cigarettes or smoking tobacco or otherwise prepare any stamp with intent to use or cause the same to be used after it has already been used; to buy, sell, or offer for sale, or give away any washed, removed, altered, or restored stamp to any person or to have in possession any such washed, or removed, or restored, or altered stamp or for the purpose of indicating the payment of any tax hereunder, to re-use any tax stamp which has heretofore been used for the payment of any tax provided in this act, or, except as to the Director of Revenue, to sell any stamp provided for herein. (6) It shall be unlawful to re-use or refill with cigarettes or smoking tobacco any package from which cigarettes or smoking tobacco theretofore tax paid have been removed.

(7) It shall be unlawful for any person to fail to pay any tax levied by this act within the time specified for the payment of the same by the act.

(iii) Any person violating any of the provisions of this act, or doing any act made unlawful by the terms of the act, shall upon conviction be punished by fine of not more than five hundred dollars (\$500) and may also be sentenced to hard labor for the county by not exceeding six (6) months, either or both, unless a different punishment is prescribed herein.

Upon a person being convicted the second time of a violation of this act he shall be fined not less than One Hundred Dollars (\$100) and may be sentenced to hard labor for the county for not exceeding six (6) months, either or both, and his license to engage in the business of renting or furnishing any room or rooms, lodging or accommodations to any transient in any hotel, motel, inn, tourist court, or any other place in which rooms, lodgings or accommodations are regularly furnished to transients for a consideration, or to engage in the tobacco business, as the case may be, may be suspended by the Court for thirty (30) days. Upon a person being convicted the third time of a violation of this act he shall be fined not less than Two Hundred Dollars (\$200) and may be sentenced to hard labor for the county for not exceeding six (6) months, either or both, and his license to engage in the tobacco business may be suspended by the Court for sixty (60) days. Upon a person's fourth or any subsequent conviction of a violation of this act he shall be fined not less than Five Hundred Dollars (\$500) and may be sentenced to hard labor for the county for not exceeding six

(6) months, either or both, and his license to engage in the tobacco business shall be revoked by the Court.

(f) The taxes levied by this act, except as otherwise provided herein, shall be due and payable on or before the 20th day of the month next succeeding the month in which the tax accrues. On or before the 20th day of each month after the effective date of the taxes every person on whom the tax is levied and imposed shall render to the Director of Revenue on a form prescribed by him, a true and correct statement showing the gross proceeds of the business subject to the said tax for the then preceding month, together with such other information as the Director of Revenue may demand and require; and at the time of making such monthly report the taxpayer shall compute and pay to the Director of Revenue the amount of taxes shown to be due; provided, however, that any person subject to the tax who conducts any business on a credit basis may defer reporting and paying the tax until after said person has received payment for the items, articles or accommodations furnished; and in the event he so defers reporting and paying any such taxes he shall thereafter include in each monthly report all credit collections made during the then preceding month and shall pay the amount of taxes computed thereon at the time of filing such report.

(g) It shall be the duty of every person so engaged or continuing in any business subject to the taxes levied by this act to keep and preserve suitable records of the gross proceeds of such business and such other books or accounts as may be necessary to determine the amount of tax for which he is liable under the provisions of this act. Such records shall be kept and preserved for a period of five (5) years and shall be open for examination at any time by the Director of Revenue or by any duly authorized agent, deputy or employee of the said Director.

(h) Any person who fails to pay the tax levied by this act within the time required by this act shall pay in addition to the tax a penalty of ten per cent (10%) of the amount of tax due, together with interest thereon at the rate of one-half of one per cent ($\frac{1}{2}$ of 1%) per month or fraction thereof from the date on which the tax became due and payable, such penalty and interest to be assessed and collected as a part of the tax; provided, however, that the Director of Revenue may, if good and sufficient reason be shown, waive or remit the penalty or any portion thereof.

(i) None of the provisions of this section shall be applied in such manner as to violate the commerce clause or other clauses of the Federal Constitution or any clause of the Constitution of Alabama.

Section 10. (a) In addition to the definitions prescribed in Sections 2 and 9(b) of this act, as used herein the following words and terms have the meaning hereby ascribed to them. "ABC law" means Chapter 3, Title 28, Code of Alabama of 1975, which establishes and governs the alcoholic beverage control board; "the Board" means the alcoholic beverage control board; and any board or commission created by ordinance by Jefferson County for the purpose of operating the civic center; "restaurant liquor license" means the restaurant license for which the ABC law provides; "Civic Center liquor license" means the license which the act provides for issuance to the authority. Any word or term used herein which is defined in the ABC law shall have the same meaning as that law ascribes to said word or term.

(b) The Board shall be authorized to issue a civic center liquor license to the Board of Directors of the Authority where a "restaurant" or "club" liquor license is otherwise authorized by law, which license shall entitle the Authority to purchase liquor from an Alabama liquor store and, subject to the provisions of the ABC law and the regulations made thereunder, not in conflict with the ABC law or with this Act, to keep and sell in any part of its Civic Center for consumption therein any such liquor and also any malt or brewed beverages or vinous beverages the holder of a restaurant liquor license is entitled to keep and sell.

(c) When any license is issued pursuant to this act, the City Council or like governing body of the City of Birmingham shall have the authority and the duty to fix reasonable rules and regulations for the sale of alcoholic beverages in the civic center, including rules and regulations as to times and places wherein alcoholic beverages may be sold within the civic center, and the types of meetings and functions at which the same may be sold.

(d) Except as amended by this Act, the laws of the State and the regulations of the Board shall apply to any Authority in its operations under a Civic Center liquor license.

Section 11. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. All laws and parts of laws, whether general, special or local, in conflict with the provisions of this act are hereby repealed to the extent of such conflict; provided, however, it is not intended by the provisions of this section to repeal or affect in any way the privilege or license tax levied by Act No. 248, Acts of Alabama 1955, Volume 1, page 586, as amended by Act No. 269, Acts of Alabama 1963, Volume 2, page 715, but to construe the

provisions thereof except as herein provided. It is specifically intended that all constitutional provisions relating to the Birmingham-Jefferson County Civic Center shall remain in force and effect.

Section 13. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 7, 1980

Time: 5:00 P.M.

Act No. 80-384

H. 50—Gafford

AN ACT

Relating to any city with a population of 300,000 inhabitants or more, according to the 1970 or any subsequent federal decennial census; regulating the keeping of dogs in vacant lots not adjacent or contiguous to a residence within such municipalities; making certain exceptions; and prescribing that the county health department shall have the authority to enforce the provisions of this act and to make reasonable rules and regulations necessary for implementing the provisions of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. In any city with a population of 300,000 inhabitants or more, according to the 1970 or any subsequent federal decennial census, no person shall put any dog or dogs in a vacant lot which is not adjacent or contiguous to his residence.

Section 2. The provisions of this act shall not apply to any person who is a licensed veterinarian operating his business in an area zoned therefor; nor shall the provisions of this act apply to any person using dogs to guard his business.

Section 3. The county health department is authorized to promulgate and enforce any reasonable rules and regulations necessary to implement the provisions of this act. Notice of such rules and regulations shall be given by publication thirty (30) days before the effective date.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. This Act shall become effective immediately upon

its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 7, 1980

Time: 5:00 P.M.

Act No. 80-385 H.J.R. 270—Sandusky, Zoghby, Kennedy
 Turner, Bedsole, Clark (W),
 Buskey, Harper (T), McMillan

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MARTHA B. STEWART

WHEREAS, the Legislature of Alabama has been deeply saddened by the death of Martha B. Stewart of Mobile, Alabama, on April 25, 1980; and

WHEREAS, Mrs. Stewart was a native of Elberta, Michigan and a resident of Mobile for thirty-eight years; and

WHEREAS, Mrs. Stewart was a longtime member of Saint Luke's Episcopal Church; and

WHEREAS, Mrs. Stewart is survived by her sister, Mrs. Fred McDuffie of Dothan; and two sons, Lt. Colonel William C. Stewart of Montgomery and the Honorable George Stewart, State Representative of Mobile; and

WHEREAS, Further, Mrs. Stewart is survived by her sister and brother, and thirteen grandchildren; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Martha B. Stewart of Mobile, Alabama, and express our deepest sympathy to all her family.

BE IT FURTHER RESOLVED, That in evidence of our shared sorrow, a copy of this resolution be sent to Representative George Stewart and other family members.

Approved May 8, 1980

Time: 4:30 P.M.

Act No. 80-386

S. 394—Keener

AN ACT

Relating to Etowah County; to provide for an expense allowance for the chairman and board members of the Gadsden Water Works and Sewer Board.

Be It Enacted by the Legislature of Alabama:

Section 1. In Etowah County, the chairman and board members of the Gadsden Water Works and Sewer Board are hereby entitled to expense allowances to be paid as follows: The chairman of said board shall receive \$150.00 per month; the members of said board shall receive a per diem allowance of \$25.00 for each day on which the board meets. The expense allowances provided herein shall be in lieu of all other compensation or expense allowance heretofore provided by law.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 8, 1980

Time: 4:30 P.M.

Act No. 80-387

S. 395—Keener

AN ACT

Relating to Etowah County; providing expense allowances to the official court reporters of the sixteenth judicial circuit payable from the general fund of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other allowances and compensation now provided by law, there shall be paid to each of the official court reporters for the sixteenth judicial circuit an allowance of \$150.00 per month, for the purpose of defraying the expenses of such official court reporters in the performance of their official duties. The allowances provided for herein shall be paid from the general fund of Etowah County.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 8, 1980

Time: 4:30 P.M.

Act No. 80-388

S. 396—Keener

AN ACT

Relating to Etowah County; providing for the total compensation for the clerk of the jury commission; and repealing all conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The clerk of the jury commission of Etowah County shall receive for the performance of his official duties, in lieu of all other compensation heretofore provided for salary and all other compensation for such clerk, the sum of two hundred fifty dollars (\$250.00) per month. Such sum shall be payable from the county treasury in the same manner as the salaries of other county officials.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws, whether general, special or local, which conflict with this act are repealed, and all laws relating to the compensation of the clerk of the jury commission of Etowah County are specifically repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 8, 1980

Time: 4:30 P.M.

Act No. 80-389

S.J.R. 41—Weeks

SENATE JOINT RESOLUTION

NAMING THE NATIONAL GUARD ARMORY AT TUSKEGEE, ALABAMA, "FORT BENJAMIN O. DAVIS."

WHEREAS, Benjamin O. Davis, Sr., served our state and the nation in the United States Army for some fifty years; and

WHEREAS, Benjamin O. Davis, Sr., became the first black general in the United States Army; and

WHEREAS, his son, Benjamin O. Davis, Jr., equally served his state and nation in a distinguished and meritorious way; he presently is a retired three-star general whose career assignment

included a tour of duty as instructor at Tuskegee Institute during World War II; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the National Guard Armory at Tuskegee, Alabama, is hereby named and designated as "Fort Benjamin O. Davis" in honor of these two great Americans, Benjamin O. Davis, Sr., and Benjamin O. Davis, Jr.

BE IT FURTHER RESOLVED, That the proper authorities are directed to cause appropriate signs and markers to be erected and maintained in designating said National Guard Armory after both Benjamin O. Davis, Sr., and Benjamin O. Davis, Jr.

RESOLVED FURTHER, That copies of this resolution be sent to General Benjamin O. Davis, Jr., and other family members as evidence of this honorary designation bestowed in appreciation and praise.

Approved May 8, 1980

Time: 4:30 P.M.

Act No. 80-390

S.J.R. 167—Miller

SENATE JOINT RESOLUTION

COMMENDING MRS. CHARLA ADKISON, OUTSTANDING SCIENCE TEACHER OF THE YEAR.

WHEREAS, in pleased concurrence, the Alabama Legislature has noted the recent selection of Mrs. Charla Adkison as the Alabama Outstanding Science Teacher of the Year by the Alabama Junior Academy of Science; and

WHEREAS, Mrs. Adkison, Sponsor of the Kinston High School Chapter of AJAS, is a science teacher at Kinston whose students were accorded numerous of the top awards at the South Region Science Fair which was held in Troy in March 1980; and

WHEREAS, Kinston School had 19 major winners, including the first and second place overall winners in the entire science fair, the latter two to represent the South Region at the International Science and Engineering Fair, May 5-10, 1980, in St. Paul, Minnesota; and

WHEREAS, it is to be further noted that Mrs. Adkison's students took top awards in the recent Regional Scientific Paper

Reading competition, as well; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mrs. Charla Adkison as the Alabama Outstanding Science Teacher of the Year and voice our deep appreciation for her dedication to the education of our state's young scientists, who have so greatly excelled in competition.

BE IT FURTHER RESOLVED, That Mrs. Adkison receive a copy of this resolution, tendered in warm praise and as evidence of our regard.

Approved May 8, 1980

Time: 4:30 P.M.

Act No. 80-391 S.J.R. 158—Gulledge, Robertson, Vacca,
 Goodwin, Miller, Figures, Hall,
 Weeks, Higginbotham, White,
 Mitchem, Bailey, McDonald,
 deGraffenried, Barron,
 Harrison, Holmes, Keener,
 Teague, Martin, Parsons,
 Taylor, Little, Britnell,
 Lemaster, Denton, St. John,
 Glass, Callahan, Clemon, Smith
 and Proctor

SENATE JOINT RESOLUTION

REQUESTING PRESIDENT CARTER AND THE CONGRESS TO ALLOCATE TO EACH OF THE STATE HIGHWAY DEPARTMENTS, AND TO OUR STATES' COUNTIES, FOR MAINTENANCE OF STATE AND LOCAL ROADS, ANY INCREASE OF THE FEDERAL MOTOR FUELS TAX.

WHEREAS, the Office of the President of the United States has been provided with data to show that an increase in the motor fuels tax would aid in energy conservation; and

WHEREAS, an increase in such tax, as deemed necessary and implemented, is for conservation purposes rather than generation of revenues; and

WHEREAS, state highway departments, and those of our states' counties, are unable to maintain their roads in sufficiently

good condition to insure the safe and expedient movement of goods and people; and

WHEREAS, neither the United States Congress nor the Federal Highway Administration has implemented an adequate program to aid the states and local governments with road maintenance problems; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we respectfully urge that the President of the United States and the Congress designate that the increase in the federal motor fuels tax be allocated to each of the state highway departments, and/or our states' counties, on a formula basis to aid with the maintenance of state and local roads.

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted to President Carter, to the director of the Federal Highway Administration, the Secretary of the Department of Transportation and to each member of the Alabama Congressional Delegation in Washington, D.C.

Approved May 8, 1980

Time: 4:30 P.M.

Act No. 80-392	S.J.R. 177—Parsons, Bailey, Barron, Britnell, Callahan, Clemon, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Holmes, Keener, Kirkland, Lemaster, Little, McDonald, Martin, Miller, Mitchem, Pearson, Proctor, Robertson, Smith, St. John, Taylor, Teague, Vacca, Weeks and White
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SENATE JOINT RESOLUTION

A RESOLUTION COMMENDING BRAVE MEN.

WHEREAS, the fabled heroes of America have faded and died so that few remain and we are without the spirit of bravery that has come to characterize the name "American"; and

WHEREAS, eight brave men have given their lives in a remote

Iranian desert in pursuit of freedom for their fellow Americans; and

WHEREAS, their bravery, dedication and ultimate sacrifice will be the substance of stories told and retold wherever brave men and women gather; now therefore

BE IT RESOLVED THAT THE ALABAMA SENATE, HOUSE CONCURRING, that we pause in the wake of this tragedy to honor the lives and names of these brave men who acted for their nation's honor: From the Air Force, Capt. Harold Lewis, 35, Mansfield, Conn.; Capt. Lynn McIntosh, 33, Valdosta, Ga.; Capt. Richard L. Bakke, 33, Long Beach, Calif.; Capt. Charles McMillian, 29, Boise, Idaho; and T/Sgt. Joel C. Mayo, Bonifay, Fla.; From the Marine Corps, Cpl. George M. Holmes Jr., 22, Pine Bluff, Ark.; Sgt. John Davis Harvey, 21, Jacksonville, N.C.; and Staff Sgt. Dewey L. Johnson, Jacksonville, N.C.

BE IT FURTHER RESOLVED that a copy of this resolution be delivered to the next of kin of these gallant men so that the memory of their sacrifice will not diminish with time and will serve as a lasting legacy.

Approved May 8, 1980

Time: 4:30 P.M.

Act No. 80-393

H. 115—Roberts, Carter, Patton,
Smith (C)

AN ACT

The content of this bill and the certification herein provided shall be used hereafter to determine eligibility of departments for State support of all types.

Be It Enacted by the Legislature of Alabama:

Section 1. The term "Volunteer Fire Department" shall apply to and be used to define an organized group of area residents who meet the following requirements for personnel, training and equipment:

The group shall be organized and incorporated under the laws of the State of Alabama as a non-profit organization or as an authority of a legal subdivision. All persons who are members of said group shall be known as "Volunteer Fire Fighters", and shall have been qualified as such by participating in organized fire protection and suppression training programs. All fire fighters must attend regularly scheduled meetings, drill, and training

classes within the department and same shall be documented and kept on file at the department location for one year.

Section 2. A "Volunteer Fire Department" shall have no less than 80% unsalaried membership. Each volunteer fire department shall have as a minimum of fire fighting apparatus the following:

One tanker truck capable of carrying and pumping no less than 500 gallons of water with adequate nozzle pressure to suppress wildfire, structural fire and other fires.

Motorized apparatus shall be equipped with the following minimum required equipment:

One booster reel with 150 feet of $\frac{3}{4}$ or 1 inch rubber hose with suitable nozzle attached; or 150 feet of pre-connected $1\frac{1}{2}$ " fire hose with suitable fog/stream nozzle attached.

In areas where a sufficient number of fire hydrants are provided, the tanker shall also carry 200 feet of $2\frac{1}{2}$ " fire hose together with a $2\frac{1}{2}$ to $1\frac{1}{2}$ to $1\frac{1}{2}$ inch wye connector for use with smaller hose and other equipment.

Ladders — one 24 foot extension ladder with a 12 foot roof ladder.

Hand tools — spanner wrenches, axes, pike pole, bolt cutter, flashlights, a first aid kit and one each pressure water and a chemical fire extinguisher.

Section 3. An alerting system must be set up and maintained which will be capable of alerting the greatest number of fire fighters in the shortest possible time.

Section 4. Communications between the tanker and other units, including the base station are to be installed at the earliest possible time; however, the use of Citizen Band radio equipment is not recommended.

Section 5. Housing for motorized equipment shall be provided at the department location of such type and size as to provide virtually freezeproof conditions for vehicles. A training room should also be provided at the earliest possible time.

Section 6. All of the aforementioned items shall consummately define a "Volunteer Fire Department", for purposes of legal recognition, but are not to be construed as standards set for any insurance classification by Insurance Services Office or any other local, State or other agency.

The Alabama Forestry Commission may assist any fire

department needing additional equipment to meet the standards for certification.

Section 7. The Alabama Forestry Commission shall be the State Agency delegated as certifying authority under this Act and shall certify all departments which are Co-operators with that Commission. All non co-operating departments which request certification shall be reviewed by the Alabama Association of Volunteer Fire Departments and a recommendation for certification shall be made by the Association to the Alabama Forestry Commission.

Section 8. The provisions of this Act shall supersede and take precedence over any local law or municipal ordinance in conflict herewith. All laws or parts of laws in conflict herewith are hereby repealed.

Section 9. The provisions of this Act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 8, 1980

Time: 4:30 P.M.

Act No. 80-394

H.J.R. 257—McMillan

HOUSE JOINT RESOLUTION

CONCERNING THE NATIONAL INTEREST LANDS IN ALASKA; REQUESTING THE PRESIDENT OF THE UNITED STATES AND MEMBERS OF THE UNITED STATES CONGRESS TO SUPPORT THE PASSAGE OF CERTAIN ALASKAN LANDS LEGISLATION CURRENTLY BEFORE CONGRESS.

WHEREAS, Section 17(d)(2) of the Alaska Native Claims Settlement Act of 1971 directed the Secretary of the Interior "to withdraw from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and from selection under Alaska Statehood Act . . . up to, but not to exceed, 80 million acres of unreserved public lands in the State of Alaska . . . which the Secretary deems suitable for addition to or creation as units of the National Park, Forest, Wildlife Refuge, and Wild

and Scenic River systems"; and

WHEREAS, The same 1971 Act required Congress to act upon the Secretary's recommendations within 7 years; and

WHEREAS, Both the United States House of Representatives and the United States Senate have had under consideration legislation responding to the recommendations of the Secretary entered in accordance with the mandate of the 1971 Act, but Congress has failed to agree on a single version of Alaska National interest lands legislation; and

WHEREAS, The President, Secretary of the Interior, and Secretary of Agriculture, acting in accordance with authority purportedly granted by the Antiquities Act (16 U.S.C. 431), the Federal Land Policy and Management Act (43 U.S.C. 1701), and other statutory bases for land withdrawals and reclassifications, have reserved or reclassified more than 110 million acres of Alaska land, compromising Statehood Act selection rights and threatening or severely restricting, if not altogether precluding, both traditional land and resource use activities and opportunities for resource development throughout much of Alaska; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Legislature adopts the following seven points as the position of the State of Alabama in its attempts to secure Congressional review and disposition of issues involving Alaska national interest lands in keeping with the spirit of the 1971 Congressional legislation:

(1) Congress should revoke each and all of the 1978 executive or administrative orders withdrawing lands in Alaska;

(2) By legislation, Congress should convey to the State its full entitlement of federal lands authorized by the Alaska Statehood Act, and to Alaska Natives the full entitlement of public lands authorized to Alaska Natives by the Alaska Native Allotment Act, 48 U.S.C. 357 (Act of May 17, 1906), as amended, and by the Alaska Native Claims Settlement Act, as amended;

(3) Congress should provide for a rational means of providing access to State and private lands across any federal enclaves created;

(4) State management of fish and game on all lands in Alaska should be continued;

(5) Congress should exempt highly valued mineral deposits and other commodity resources from inclusion in federal systems

which obviate development;

(6) Traditional land uses on all lands in Alaska should continue; and

(7) The President and the Secretary of the Interior should be precluded from establishing or adding to any conservation system unit within Alaska by means of any executive or administrative authority.

BE IT FURTHER RESOLVED, That Alabama's U. S. Senators and Representatives are urged to support the passage of Alaska lands legislation this year as long as that legislation basically conforms to the policy statements enumerated in this Resolution and is an improvement over conditions which would otherwise prevail under the Antiquities Act and other executive and administrative actions should no Alaska land legislation be enacted.

RESOLVED FURTHER, That a copy of this Resolution be sent to the Alabama Senate and House Delegations in the U. S. Congress.

Approved May 8, 1980

Time: 4:30 P.M.

Act No. 80-395

H.J.R. 258—Letson

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF JOSEPH GUY STRAHAN, PRAISING HIS WORKS, AND NAMING THE GAS FIELDS IN LAWRENCE AND FRANKLIN COUNTIES IN HIS HONOR.

WHEREAS, the Alabama Legislature has noted with a deep sense of regret the passing of Joseph Guy Strahan of 711 Bayou Shore Drive, Monroe, Louisiana in 1979; and

WHEREAS, Mr. Strahan was born in England, Arkansas on February 10, 1901. He began working in gas and oil fields at nineteen years of age with Gulf Oil Company; and

WHEREAS, Mr. Strahan began his own gas and oil exploration and discovery business when he was twenty-two years of age and has been in this business for the past fifty-six years. He was in Kilgore Field with H. L. Hunt when the Kilgore Field was discovered in Texas, then the Smackover Field, in Arkansas; then back to La Port, Texas in the gas, oil and real estate business, where

he was also Mayor of La Port, Texas. Then there was a big land grant in Arkansas and he bought all the land where Bull Shoals, Arkansas is and laid out the town and streets, a resort town of 30,000 people; and

WHEREAS, Mr. Strahan drilled gas and oil wells in twelve states, he has drilled in six counties in Alabama. The field in Lawrence and Franklin Counties of Alabama started in 1978, where the first two wells were drilled on the land of Edsel F. Moore, a former member of the Alabama House of Representatives. He has eighteen wells in Lawrence and Franklin Counties and leases for many more; and

WHEREAS, Mr. Strahan was a devoted member of the Methodist Church of Monroe, Louisiana, where he gave part of his gas royalties to the church; and

WHEREAS, Mr. Strahan was ever ready to contribute to the need of his neighbors, fellow workers, and people associated with the gas and oil business. He was the type of person who made friends and was loved by all, wherever he went; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do mourn the death of Joseph Guy Strahan and express our deep and sincere sympathy to his wife, Thelma Strahan, and his children.

BE IT FURTHER RESOLVED, That the gas fields in Lawrence and Franklin Counties where Mr. Strahan has taken leases and drilled be known as, and named the Joseph Guy Strahan Field.

RESOLVED FURTHER, That copies of this resolution be sent to his wife, in Monroe, Louisiana and to the Alabama Gas and Oil Board and the State of Alabama Department of Geology, and to Edsel F. Moore in Moulton, Alabama.

Approved May 8, 1980

Time: 4:30 P.M.

Act No. 80-396

H.J.R. 265—Minus

HOUSE JOINT RESOLUTION

COMMENDING MORRIS MEADOR ON HIS INDUCTION
INTO THE U.S.M. SPORTS HALL OF FAME.

WHEREAS, the University of Southern Mississippi inducted Morris Meador into the U.S.M. Sports Hall of Fame on Saturday, April 26, 1980; and

WHEREAS, Alabamian Morris Meador graduated from Choctaw County High School where he lettered in three sports and was captain of his football team; upon graduation, he was awarded a football scholarship to the University of Southern Mississippi; and

WHEREAS, Mr. Meador performed admirably as a starting defensive halfback, punter and as an alternate starter quarterback on U.S.M. teams that combined for a 20-10 record; and

WHEREAS, Morris Meador led his team as captain during his senior year and also provided leadership to the Lettermen's Club and other worthwhile campus organizations; and

WHEREAS, Morris Meador's post collegiate career is likewise outstanding; signing with the Denver Broncos of the AFL in 1962, he later served in the United States Army, then returned to Alabama and Choctaw County where he now operates a successful cattle and lumber business; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA BOTH HOUSES THEREOF CONCURRING, That we heartily commend Mr. Morris Meador on his recent induction into the University of Southern Mississippi's Sports Hall of Fame.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Meador that he may know of our respect, admiration and high regard.

Approved May 8, 1980

Time: 4:30 P.M.

Act No. 80-397

H.J.R. 269—Venable

HOUSE JOINT RESOLUTION

PROVIDING A COMMON DATE FOR HOLDING ELECTIONS ON ALL CONSTITUTIONAL AMENDMENTS PROPOSED AT THE 1980 REGULAR SESSION OF THE LEGISLATURE WHEN A DATE IS NOT OTHERWISE SPECIFIED.

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That an election

upon all constitutional amendments proposed by an act of the 1980 Regular Session of the Alabama Legislature is ordered to be held, not less than three months after final adjournment of the said 1980 Regular Session, on November 4, 1980, unless the original act proposing the constitutional amendment sets the date to coincide with another state-wide primary, general or special election held not earlier than after the expiration of three months from date of final adjournment of the 1980 Regular Session.

BE IT FURTHER RESOLVED, That when an act proposes an election on a constitutional amendment at one of several elections, the Governor and Secretary of State shall consult with the primary sponsor of the act before setting an election on said amendment.

Approved May 8, 1980

Time: 4:30 P.M.

Act No. 80-398

H. 724—Buskey

AN ACT

To repeal Act No. 653, H. 589, 1975 Regular Session (Acts 1975, p. 1410), entitled "An Act To require the members of the board of registrars in all counties having populations of not less than 300,000 nor more than 600,000 according to the most recent or any subsequent decennial census to be available at the city hall of each incorporated municipality for the purpose of voter registration and voter reidentification, once each 6 months, and to be available at certain unincorporated areas in the county once each 6 months at the request of the House of Representatives member who represents such area with the concurrence of the Senate member who represents such area."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 653, H. 589, 1975 Regular Session (Acts 1975, p. 1410), entitled "An Act To require the members of the board of registrars in all counties having populations of not less than 300,000 nor more than 600,000 according to the most recent or any subsequent decennial census to be available at the city hall of each incorporated municipality for the purpose of voter registration and voter reidentification, once each 6 months, and to be available at certain unincorporated areas in the county once each 6 months at the request of the House of Representatives member who represents such area with the concurrence of the Senate member who represents such area," is hereby repealed.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 8, 1980

Time: 4:30 P.M.

Act No. 80-399

H. 412—Willis

AN ACT

To amend Section 22-26-7 of the Code of Alabama 1975, relating to certain land subdivided for single family residences so as to provide that where said land is subdivided into parcels containing any tracts five acres in size and larger, such size tracts shall not be subject to the requirement of taking a percolation test.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 22-26-7 of the Code of Alabama 1975, is hereby amended to read as follows:

“§22-26-7. (a) Land subdivided for single-family residential purposes into lots of not less than three acres in size shall not be subject to the subdivision criteria and the rules and regulations imposed by the state board of health upon development where said lots do not have access to public sewer system where:

“(1) There is a plat restriction that the land will not be further divided into parcels of less than three acres in size until such lots have access to a public sewer system;

“(2) Where the bedrock elevation is of sufficient depth below ground elevation to install a septic tank of sufficient capacity, header line and adequate field line system leading from said septic tank;

“(3) Where the standard, residential percolation test times shall not exceed 60 minutes per inch, without additional information; and

“(4) Where the water table elevation is not within five feet of ground elevation.

“(b) At such time that all such adjoining lots have access to a public sewer system, the property may be further subdivided into lots of less than three acres in size for residential and other purposes, provided the residences and other structures designed for human habitation on the property use such public sewer system.

“(c) Provided, however, where said land is subdivided into parcels containing any tracts 5 acres in size and larger, such tracts shall not be subject to the provisions of subsection (a) (3) hereof.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise

becoming a law.

Approved May 8, 1980

Time: 4:30 P.M.

Act No. 80-400

H.J.R. 251—Sandusky

HOUSE JOINT RESOLUTION

RESOLUTION REQUESTING THAT ALL IRANIAN STUDENTS IN ALABAMA POSTSECONDARY INSTITUTIONS LEAVE THIS STATE AT THE END OF THE TERM FOR WHICH THEY ARE CURRENTLY ENROLLED.

WHEREAS, the government of Iran has illegally and violently held fifty-three members of the American Embassy staff for one hundred and seventy-eight days against their will and in violation of international law, and

WHEREAS, the bodies of eight American servicemen who bravely gave their lives in the attempt to rescue their fellow countrymen were cruelly desecrated by one of Iran's religious leaders, and

WHEREAS, hundreds of Iranian nationals are enrolled in Alabama's Junior Colleges and Senior Universities at great public expense, and

WHEREAS, no Iranian student in Alabama has spoken out against the current regime in Iran or has offered any expression of sympathy for the families of the servicemen who died in Iran, and

WHEREAS, the American people and the citizens of Alabama no longer will tolerate the citizens of any nation which insults our honorable dead,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Iranian students are no longer welcome in any publicly supported institution of higher education in this state.

This Act became a law under Section 125 of the Constitution on May 9, 1980 without approval by the Governor.

Act No. 80-401

H.J.R. 245—Coburn

HOUSE JOINT RESOLUTION

CREATING A JOINT INTERIM COMMITTEE TO STUDY
UNEMPLOYMENT COMPENSATION LAWS.

WHEREAS, due to the economic crisis, and the present level of funds available in the unemployment compensation fund of the state; and

WHEREAS, the level that must be maintained in such fund is dictated by law; and

WHEREAS, due to the fact that industry and labor in recent years have been unable to agree on changes in unemployment compensation laws; and

WHEREAS, it is absolutely necessary that the legislature investigate the matter and arrive at a solution to carry the state through the pending economic crisis; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created the Joint Interim Committee to Study Unemployment Compensation Laws.

Said committee shall consist of six members, three to be selected by the Speaker of the House and three to be selected by the Lieutenant Governor.

The Clerk of the House and Secretary of the Senate shall furnish the committee with any necessary clerical assistance and supplies needed by the committee in performing its duties to be paid from funds appropriated to the use of the Legislature. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman. The total amount that may be expended by the committee shall not exceed \$7,500.00.

The Joint Interim Committee to Study Unemployment Compensation Laws shall report its findings and recommendations to the Legislature not later than the fifth legislative day of the 1981 Regular Session.

Approved May 8, 1980

Time: 4:30 P.M.

Act No. 80-402

H.J.R. 247—Bennett

HOUSE JOINT RESOLUTION

EXPRESSING SYMPATHY FOR THE EIGHT AMERICAN SERVICEMEN KILLED IN THE ILL-FATED ATTEMPT TO RESCUE AMERICAN HOSTAGES IN IRAN.

WHEREAS, through illegal action and violation of international law 50 American hostages have been held for almost six months in Iran following a take-over of the U.S. Embassy last November 4, and

WHEREAS, U.S. military forces undertook a daring rescue attempt last Thursday which, although unsuccessful, served notice the United States intends to gain release of its citizens through whatever means necessary, and

WHEREAS, eight American servicemen lost their lives during a collision of retreating aircraft when the rescue mission was cancelled due to equipment failure, and

WHEREAS, the government of Iran led by Ayatollah Khomeini continues its insane course of international barbarism threatening the lives and safety of the hostages in face of the American resolve to rescue them, and

WHEREAS, the Khomeini regime ignores all demands for common decency and humanitarianism not only from America but from American allies the world over; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it does hereby express its deepest sympathy to the families of the eight servicemen who died in the rescue attempt, and be it further

RESOLVED, That it is the sincerest hope of each and every Alabama legislator that a quick and safe release of the hostages will be possible, and be it further

RESOLVED, That President Carter is hereby encouraged to continue to take whatever action deemed necessary to gain such release including, if need be, additional military action, and be it finally

RESOLVED, That a copy of this resolution be sent to President Carter with the expressed hope that international banditry will not be ignored, no matter from what quarter.

Approved May 8, 1980

Time: 4:30 P.M.

Act No. 80-403

H. 759—Moore

AN ACT

Relating to county health officers or administrators in Shelby County; authorizing such persons to issue official death certificates; and providing penalties for violation of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. In Shelby County any county health officer or administrator is hereby authorized to issue an official death certificate in any case within the county, except where an autopsy is required. Data obtained from the attending physician or funeral director shall be kept on file for one year following the death for the purpose of issuing such death certificate. Such certificate shall be in all particulars the same as those issued by the state department of public health in any court or for insurance purposes. Nothing in this act shall affect any existing duty of any person to gather and transmit data to the local registrar or to the state health department.

Section 2. The county health officer shall not later than ten days from the date of death, make such official death certificate available to the surviving spouse or next of kin of the deceased at a fee not greater than that charged by the state health department for the same service. Any officer failing to comply with this section is guilty of a misdemeanor.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 8, 1980

Time: 4:30 P.M.

Act No. 80-404

H. 575—Amari

AN ACT

Relating to Jefferson County; to amend Act No. 261, H. 1462, Regular Session, 1975, (Acts of 1975, p. 795) as amended by Act 499, Regular Session 1979, an act fixing supplemental salaries for each District Court Judge in Jefferson County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 261 as amended by Act 499, Regular Session, 1979, is hereby amended to read as follows:

Section 1. There will be paid to each District Court Judge in Jefferson County, Alabama, as supplemental salary to that paid by the State, in equal bi-weekly installments, a sum equal to 40% of the salary paid said judge by the State of Alabama. The County Commission or other governing body of the County is hereby authorized, empowered and directed to pay the supplemental salary provided herein to each such District Judge out of the general funds of the County or such other funds as may be available for such purpose; and such salary shall be in addition to any other salary, compensation, allowances, or expenses provided by law.

Section 2. The provisions of this Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 8, 1980

Time: 4:30 P.M.

Act No. 80-405

H. 949—Waggoner, Howard, Gafford,
Seibels, Horn

AN ACT

To provide for the relief of Marjorie Armstrong by granting to her the extraordinary disability allowance provided by Act No. 929 of the Regular Session of the Legislature of 1951 (Ala. Acts, 1951, pp. 1591-1592), as amended; to state the reasons for granting such allowance; to provide for the periods during which such allowance shall be payable; and to prescribe the conditions and limitations applying to such allowance.

Be It Enacted by the Legislature of Alabama:

Section 1. As herein used, the following terms have the meanings hereby given them, unless the context shows a different meaning is intended: "the City" means the City of Birmingham; "the pension law" means Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, (Ala. Acts, page 1579, et seq.), as amended; "the pension system" means the pension system the pension law established; "the pension board" means the Board of Trustees the pension law established; "the extraordinary disability allowance" means the allowance the pension law provides for a member disabled to perform his City duties by an accident occurring while he is serving the City; "the twelve months limitation" means the provision in subsection (b) of Section 14 of the

pension law, as amended by Section 3 of Act No. 1209 of the Regular Session of the Legislature of 1969 that no extraordinary disability allowance shall be granted except by resolution of the pension board "passed within twelve months after the accident resulting in disability" (Ala. Acts, 1969, pp. 2265-2266); "the provision suspending benefits" means Section 19 of ARTICLE VI of the pension law, as amended by Act No. 1272 of the Regular Session of 1973 (Ala. Acts, 1973, pages 2147 and 2148); and "the civil service law" means the county-wide civil service law applying to the City, which is Act No. 248 of the Regular Session of the Legislature of 1945, as amended (Ala. Acts, 1945, pages 376-400).

Section 2. LEGISLATIVE FINDINGS AND DECLARATION. The Legislature has found the following: that while Marjorie Armstrong, a member of the pension system, was serving the city as a food service supervisor on December 10, 1971, an accident resulted in her suffering severe and painful injuries severing the nerves and tendons to the fifth digit of her left hand; after surgery she returned to work on December 14, 1971, but continued under a doctor's care until January 26, 1972, when she was believed to be well and returned to work; later in the year, she developed pain in her left shoulder and neck which was diagnosed as cervical sympathectomy, an overreaction of nerves to injury which led to surgery in November of 1972, following which she again returned to work in January of 1973, experiencing pain throughout 1974 and 1975 which was finally diagnosed as phlebitis and shingles, at least the latter being directly related to the injury, producing severe pain which forced her retirement from the City on June 5, 1975; following said retirement she underwent three operations for nerve injury directly related to the accident; that Marjorie Armstrong had permanent Civil Service status at the time of her original injury and continually thereafter until her retirement, that her physicians and the city physician have certified that Marjorie Armstrong is totally disabled as a result of her original injury in 1971, that Marjorie Armstrong would clearly be entitled to an extraordinary disability allowance except for the twelve month allowance which requires that such persons be awarded with twelve (12) months of the injury; that when her disabilities were considered by the pension board, a disability allowance would have been approved except for the restraint of the twelve month limitation.

The Legislature further found: that the circumstances which influenced and motivated Marjorie Armstrong not to file her application for a disability allowance within the twelve month limitation period are such that the application of such limitation to deny Marjorie Armstrong such allowance is contrary to the

purpose of such limitation and deprives Marjorie Armstrong of an extraordinary disability allowance to which in fairness and justice she is entitled.

The purpose of the Legislature in adopting the Act is to relieve Marjorie Armstrong from the grievous and oppressive hardship she has suffered from having the twelve month limitation be applied to deprive her of the extraordinary disability allowance she is equitably entitled to.

Section 3. (a). Subject to the provisions of subsection (b), next below, as soon as practical after adoption of this Act the pension board shall pay to Marjorie Armstrong the extraordinary disability allowance at the rate and for the periods provided for by this subsection (a).

The rate of the said allowance shall be the same as the rate would have been had the pension board granted Marjorie Armstrong an extraordinary disability allowance at the time of her retirement and shall be based on her salary data as of that time as if here retirement was within twelve months after the accident disabling her occurred. The allowance shall be payable for these two periods: the First Period, which shall begin on June 5, 1975, when Marjorie Armstrong left the employment of the City, and shall end on the date whereon the pension board makes the lump sum payment for which the sentence next following provides; and the Second Period, which shall begin on the date following the date whereon said lump sum payment is made and shall end on the date whereon there exists any condition which the pension law provides shall terminate a service connected disability allowance. As soon as practical after adoption of this Act, the pension board shall make the lump sum payment covering the First Period. During the Second Period the pension board shall monthly pay to Marjorie Armstrong the allowance at the same time the board pays other extraordinary disability allowances accruing under the pension law.

(b) The payments provided for in subsection (a), next above, shall be subject to all conditions and limitations this subsection (b) prescribes.

Anything in subsection (a), next above, to the contrary notwithstanding, the pension board shall deduct from any amount otherwise due hereunder any payment or payments made to her from the pension system at, or since, the time of her employment separation, and the pension board shall not pay to Marjorie Armstrong any interest on sums due to be paid to her or any allowance for the First Period, described in said subsection (a), or for any part of such period, during which the pension board shall

find and declare by resolution, adopted by the Board, that Marjorie Armstrong was not disabled to perform her duties as a food service supervisor with the City; provided, however, that before adopting any such resolution the board shall accord Marjorie Armstrong a hearing on the question of whether she was disabled, as aforesaid, of which hearing the board shall give to Marjorie Armstrong at least ten (10) days written notice stating the time and place of the hearing and the question to be considered at said hearing.

The payments of the extraordinary disability allowance provided for by this Act shall be subject to all conditions and limitations this Section 3 of this Act imposes. Such payments shall also be subject to any and all other conditions and limitations the pension law imposes on the payment of the extraordinary disability allowance except to the extent that this Act provides that such conditions or limitations shall not apply.

Without limiting the generality of the two next foregoing sentences it is hereby expressly provided that the two sections of the pension law below named in this Section 3 shall apply to the allowance this Act grants to Marjorie Armstrong.

The said allowance shall be subject to the provision of Section 9 of ARTICLE VI of the pension law that during the continuance of any disability the pension board may from time to time require further certification of disability by one or more licensed and practicing physicians or surgeons and may require such additional proof of the continuance of such disability as the board deems appropriate.

The provision suspending benefits shall not apply to prevent Marjorie Armstrong from receiving the allowance this Act grants for, or during, the First Period described in subsection (a), next above, but the provision suspending benefits shall prevent the payment to Marjorie Armstrong of such allowance for, or during, any part of the Second Period described by said subsection (a) during which Marjorie Armstrong is employed by the City, is due a salary from the City or has been paid a salary by the City.

Section 4. This Act shall become effective on its approval by the Governor or on its otherwise becoming a law.

Approved May 8, 1980

Time: 4:30 P.M.

Relating to Shelby County, to amend Act No. 105, H. 172, 1967 Special Session (Acts 1967, p. 137), relating to pistol permit fees of such county, so as to increase said fees.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 105, H. 172, 1967 Special Session (Acts 1967, p. 137), is hereby amended to read as follows:

“Section 1. In Shelby County the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in Section 13-6-155 of the Code of Alabama 1975, shall be ten dollars, which shall be collected by the Sheriff.”

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 8, 1980

Time: 4:30 P.M.

Act No. 80-407

H. 792—Gregg, Albright, Smith (J)

AN ACT

To supplement the salaries of the District Judges of the Twenty-Third Judicial Circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. The salary of each judge of the District Court of the Twenty-Third Judicial Circuit shall be supplemented by the county which makes up said judicial circuit, in the amount of Eleven Thousand and No/100 (\$11,000.00) Dollars annually. Said amount shall be paid in equal monthly installments in the same manner as is paid to a judge of the said Circuit Court, and shall be paid from the general fund of the County of said Judicial Circuit.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 8, 1980

Time: 4:30 P.M.

AN ACT

To provide for purging the lists of registered voters in Shelby County; requiring and prescribing the procedure for the reidentification of registered voters; placing certain duties on the board of registrars, judge of probate and the county governing body relative to the reidentification of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of registrars of Shelby County is hereby directed to purge all lists of the qualified electors in the county to the end that the names of all persons who are deceased or nonresidents of the county or have otherwise become disqualified from voting in Shelby County, shall be removed from such lists, and that the name of each qualified elector shall appear only on the list of qualified electors for the beat in which he resides.

Section 2. The board of registrars shall omit and remove from the lists of qualified electors of the county the name of any person who fails to reidentify himself, in the manner prescribed herein, before the first day of January, 1981 and any tenth year thereafter. No person whose name is removed from the list of qualified electors as herein provided shall cease permanently to be a qualified elector nor be subject to reregistration, but shall be subject only to the requirement that he reidentify himself as a duly registered elector before being listed on the list of qualified electors in the county, and before being entitled to vote.

Section 3. Prior to the November general election of 1980 and any tenth year thereafter, the board of registrars of Shelby County is authorized and directed to commence reidentification of qualified electors of the county. The members of the board of registrars shall meet as provided by law at least once, and more often if necessary, and remain at each location at least one day from nine o'clock a.m. until four o'clock p.m. for the purpose of enabling qualified and registered voters to reidentify themselves. The board shall give at least ten days notice, by advertisement in all newspapers of general circulation published in the county, stating the time, date and place where they will meet. Upon failure to give such notice, or to appear as notified, after like notice, they shall fill new appointments. The board shall remain in session for thirty (30) days. During such session the board shall visit each location on at least one day and the remainder of the time may be divided as the board of registrars deems necessary, to enable the qualified electors of the county to appear and reidentify themselves in the manner provided herein. No voter shall appear and reidentify himself except as provided in this act.

Section 4. Each member of the board of registrars shall receive ten dollars per day from the county general fund, for each day's attendance upon the special sessions of the board required under the provisions of this act; but if such special session is held on the same day a regular session is required to be held under the laws of this state, registrars shall receive only one per diem allowed for performing their regular duties, it being the intent and purpose of this act that registrars shall be entitled to receive only one per diem allowance for one day's service. If one or more of the members of the board shall refuse, neglect, or be unable to serve, or if a vacancy or vacancies occur in the membership of the board from any cause, the governor, state auditor, and commissioner of agriculture and industries, or a majority of them, shall forthwith make other appointments to fill such vacancies.

Section 5. A voter may reidentify himself in any one of the following ways:

(a) He may reidentify himself by appearing in person at the office of the board of registrars and answering such questions and submitting such proof as may reasonably be required by the board of registrars or one of its duly authorized employees to establish his identity and place of legal residence and that he has not become disqualified from voting in such county.

(b) He may reidentify himself by filling in and mailing to the office of the board of registrars the completed answers to such questions as may reasonably be propounded and mailed to him in a written questionnaire by the board of registrars, or on a form which board of registrars shall cause to be printed in all newspapers of general circulation published in the county. Such questionnaire may contain such questions as are reasonably necessary to establish the identity of the person signing such questionnaire, the place of his legal residence, and that he has not become disqualified from voting in such county. All answers to such questionnaires shall be signed by the elector in the presence of at least two witnesses who shall sign his answers as attesting witnesses.

(c) He may reidentify himself at the general election of 1980 or at any election at which he votes during 1980 and any tenth year thereafter, by filling out and signing answers to the questionnaire prepared by the board of registrars in the presence of a clerk, manager or returning officer shall sign the answers of such voter as an attesting witness. The returning officer shall transmit all such filled in and signed answers to questionnaires to such board of registrars.

(d) Any voter who has been purged from the list of qualified

electors for failure to reidentify may reidentify himself on any election day at the office of the board of registrars or probate judge by appearing in person. He will be given a certificate to take to the polls in order to vote on that day.

Section 6. The board of registrars shall meet on the first Monday in January 1981, and any tenth year thereafter, for the purpose of purging the registration lists and the names of all persons who have failed to appear and reidentify themselves in the manner herein prescribed shall be stricken from the lists, provided, however, that said board shall not strike the name of any person, or of the spouse of any person, known by any member of said board, or made known to the said board by the written affidavit of another qualified elector, to be in active duty of any of the armed forces of the United States of America, and to be stationed, or to be living with her or his spouse, as the case may be, outside Shelby County, Alabama, during the period of time of reidentification.

Section 7. Any qualified elector of the county who shall have his name omitted or removed from the list of qualified electors in the county by failure to appear and reidentify himself as herein provided shall be entitled to have his name restored to the list of qualified electors by appearing in person at the office of the board of registrars, or at the office of the judge of probate, and answering such questions and submitting such proof, under oath, as the board may require to establish the voter's identity, place of legal residence, and the fact that the voter has not become disqualified from voting in the county. Provided, however, every qualified elector must have reidentified himself at least 10 days prior to the election at which he offers to vote; provided further, however, that this act shall not be construed or applied to impair or deny the right to vote in person or by absentee ballot of any person or of the spouse of any person, now a qualified elector of said county, who is in active duty of any of the armed forces of the United States of America and stationed, and, as to the spouse, who is living with her or his husband or wife as the case may be, outside of Shelby County, Alabama, during the period of time of reidentification.

Section 8. The court of county commissioners of Shelby County is hereby authorized, directed, and required to furnish the board of registrars with the supplies, equipment, printed forms, stationery and newspaper advertisements necessary for reidentification of voters as herein provided.

Section 9. The questionnaire to reidentify a voter shall be in substantially the following form:

VOTERS REIDENTIFICATION QUESTIONNAIRE

Date _____, 19

Name _____
(FIRST) (MIDDLE) (LAST)Legal Residence Address _____
(STREET)

City or Town _____

State _____

Date of Birth _____ Sex _____

I now vote and I am a qualified elector in precinct or Beat No. _____, Box No. _____, Shelby County, and I have not been disqualified from voting in this county. I am not a qualified voter in any other county in the State of Alabama or in any other state in the United States.

I have resided in Precinct or Beat No. _____ for the past _____ months.

Signed _____

Signature of Worker

Sworn and subscribed before me this _____ day of _____, 19____.

Registrar — Judge of Probate

Section 10. Any person who willfully makes a false statement to the board of registrars, or any duly authorized person, in reidentifying himself as a qualified elector in the manner provided herein shall be guilty of perjury, and upon conviction thereof shall be punished by imprisonment in the penitentiary for not less than one nor more than five years.

Section 11. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. All laws or parts of laws which conflict with this act are hereby repealed.

Section 13. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 8, 1980

Time: 4:30 P.M.

AN ACT

Proposing an amendment to the Constitution of 1901, relating to legalizing the operation of bingo games for prizes or money by certain non-profit organizations for charitable or educational purposes in Madison County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed, and shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation of the Governor.

PROPOSED AMENDMENT

The operation of bingo games for prizes or money by non-profit organizations for charitable or educational purposes shall be legal in Madison County, subject to the provisions of any resolution or ordinance by the county governing body or the governing bodies of the respective cities and towns, within their respective jurisdictions. The said governing bodies shall have the authority to promulgate rules and regulations for the licensing and operation of bingo games, within their respective jurisdictions, provided, however, that said governing bodies must insure compliance with the following provisions:

(a) No person under the age of 19 shall be permitted to play any game or games of bingo, nor shall any person under the age of 19 be permitted to conduct or assist in the conduct of any game of bingo;

(b) No bingo license shall be issued to any non-profit organization, unless such organization shall have been in existence for at least 23 months immediately prior to the issuance of the license;

(c) Bingo games shall be operated only on the premises owned or leased by the non-profit organization operating the bingo game. If the premises is leased, the rate of rental shall not be based on a percentage of receipts or profits resulting from the operation of bingo games;

(d) No non-profit organization shall enter into any contract with any individual, firm, association or corporation to have said individual or entity operate bingo games or concessions on behalf of the non-profit organization, nor shall said non-profit organization pay consulting fees to any individual or entity for any services performed in relation to the operation or conduct of a bingo game;

(e) A non-profit organization shall not lend its name or allow its identity to be used by any other person or entity in the operating or advertising of a bingo game in which said non-profit organization is not directly and solely operating said bingo game;

(f) Prizes given by any non-profit organization for the playing of bingo games shall not exceed \$1,000.00 in cash or gifts of equivalent value during any bingo session or \$2,000.00 in cash or gifts of equivalent value during any calendar week;

(g) No person or organization, by whatever name or composition thereof, shall take any salary, expense money, or fees as remuneration for services rendered in the operation of any bingo game.

Section 2. An election upon the proposed amendment is ordered to be held at the next general, special, or primary election after the expiration of three months from final adjournment of the current session of the legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each county of the state. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

Section 4. This amendment shall not become effective unless approved by referendum of ten electorate of Madison County. Said referendum shall be held at the same time as the election for the ratification of this amendment, as provided for in Section 2, above.

CONSTITUTIONAL AMENDMENT

Passed the House May 1, 1980

Passed the Senate May 8, 1980

Act No. 80-410

H. 858—Mitchell

AN ACT

To provide that the City of Northport shall have authority, after notice as provided, to remove or demolish buildings and structures, parts of buildings and structures, party walls and foundations located within the corporate limits of the

City when the same are found by the governing body of such city to be unsafe, dangerous, offensive or injurious to the public health or welfare of the community to the extent of being a public nuisance; to provide for a hearing by the governing body if requested; to authorize that the cost of such demolition shall constitute a special assessment against the lot or lots, parcel or parcels, whereon the building or structure was located and that such assessment shall constitute a lien on said property; and to provide a method of collecting such assessments.

Be It Enacted by the Legislature of Alabama:

Section 1. The City of Northport, Alabama, shall have authority, after notice as provided herein, to remove or demolish buildings and structures, or parts of buildings and structures, party walls and foundations, located within the corporate limits of the City, when the same are found by the governing body of the City to be unsafe, dangerous, offensive or injurious to the public health or welfare of the community. The authority herein granted shall expressly not including buildings or structures outside the corporate limits but within the police jurisdiction of the City.

Section 2. The term "appropriate city official" as used in this Act shall mean any city official or city employee designated by the mayor or other chief executive officer of the City of Northport as the person to exercise the authority and perform the duties delegated by this act to the "appropriate city official."

Whenever the appropriate city official of such city shall find that any building, structure, part of building or structure, party wall or foundation, situated in such city, unsafe, dangerous, offensive or injurious to the public health, comfort or welfare of the community to the extent that it is a public nuisance; and the person or persons, firm, association, or corporation last assessing the property for state taxes is a resident of or has its principal place of business in the city, such official shall give such person, firm, association or corporation, notice to (1) remedy the unsafe or dangerous condition of such building or structure, or (2) to demolish the same within a reasonable time set out in the notice, which time shall not be less than sixty (60) days or (3) suffer such building or structure to be demolished by the city and the cost thereof assessed against the property. In the event that such notice is returned "Not Found" after not less than two attempts, such notice may be given by registered or certified mail. The mailing of such registered mail notice, properly addressed and postage prepaid, shall constitute notice as required herein. In the event the person or persons, firm, association, or corporation last assessing the property for State taxes, is not a resident of or does not have its principal place of business located in the City, such notice shall be published once a week for two consecutive weeks in some newspaper published in said city, a copy of such notice shall also be sent by registered or

certified mail to the person, firm, association or corporation last assessing the property for State taxes. The mailing of such registered mail notice, properly addressed and postage prepaid, shall constitute notice as required herein. Notice of such order, or a copy thereof, prior to the delivery or mailing of the same as required by the immediately preceding sentence, shall also be posted at or within three feet of an entrance to the building or structure, provided that if there is no entrance such notice may be posted at any location upon such building or structure.

Section 3. Within the time specified in such notice, but not more than sixty (60) days from the date such notice is given, any person, firm or corporation having an interest in such building or structure may file a written request for a hearing before the city governing body, together with his objections to the finding by the appropriate city official. The filing of such request shall hold in abeyance any action on the finding of the city official until a hearing and determination thereon is made by the governing body of the city. Upon holding such hearing, which hearing shall be held not less than ten (10) nor more than sixty (60) days after such request, or in the event no hearing is timely requested, the governing body after the expiration of sixty (60) days from the date such notice is given, shall determine whether or not such building or structure is unsafe, dangerous, offensive or injurious to the public health, comfort or welfare of the community. Notice of such meeting of the governing body, and that such determination will be made thereat, shall be published one time in a newspaper of general circulation in the city, not less than ten (10) days prior thereto. In the event that such finding is made by the governing body, the governing body shall order such building or structure to be demolished. Such demolition may be accomplished by the city by the use of its own forces, or it may provide by contract for such demolition. The city shall have authority to sell or otherwise dispose of salvaged materials resulting from such demolition.

Any person aggrieved by the decision of the governing body at such hearing may, within fifteen (15) days thereafter, appeal to the Circuit Court upon filing with the clerk of said court notice of said appeal and upon paying filing fees and giving bond for security on costs in the form and amount to be approved by the Circuit Clerk. Upon filing of said notice of appeal and approval of the bond, the clerk of the court shall serve a copy of said notice of appeal on the city clerk and said appeal shall be docketed in said court, and shall be a preferred case therein. The city clerk shall, upon receiving such notice, file with the Circuit Clerk a copy of the findings and determination of the governing body in proceedings, and trial shall be held without jury upon the determination of the governing body that such building or structure is unsafe to the extent that it is a

public nuisance.

Section 4. Upon demolition of such building or structure, the appropriate city official shall make a report to the governing body of the cost thereof, and such governing body shall adopt a resolution fixing the costs which it finds were reasonably incurred in such demolition and assessing the same against the property; provided, however, the proceeds of any monies received from the sale of salvaged materials from said building or structure shall be used or applied against the cost of the demolition; and provided, further, that any person, firm or corporation having an interest in said property may be heard at such meeting as to any objection he may have to the fixing of such costs or the amounts thereof. The city clerk of such city shall give not less than fifteen (15) days notice of the meeting at which the fixing of such costs are to be considered by publication in a newspaper of general circulation in such city of a notice that the governing body of such city at such meeting will consider the fixing of such costs. The fixing of said costs by the governing body which shall include costs of demolition and legal advertising shall constitute a special assessment against the lot or lots, parcel or parcels of land upon which the building or structure was located, and thus made and confirmed shall constitute a lien on said property for the amount of such assessment. Said lien shall be superior to all other liens on said property except liens for taxes, and shall continue in force until paid. The city clerk of the city shall mail a certified copy of the resolution by registered or certified mail to the person last assessing the property for taxes, and a certified copy of such resolution shall be published in the manner and as prescribed for the publication of municipal ordinances, and a certified copy of such resolution shall also be filed in the office of the Judge of Probate of the county in which such city is situated.

Section 5. The city shall have the power to assess the costs authorized herein against any lot or lots, parcel or parcels of land purchased by the State of Alabama at any sale for the non-payment of taxes, and where any such assessment is made against such lot or lots, parcel or parcels of land, a subsequent redemption thereof by any person authorized to redeem, or sale thereof by the State, shall not operate to discharge, or in any manner affect the lien of such city for such assessment, but any redemptioner or purchaser at any sale by the State of any lot or lots, parcel or parcels of land upon which an assessment has been levied, whether prior to or subsequent to a sale to the State for the non-payment of taxes, shall take the same subject to such assessment.

Section 6. Payment of any such assessment shall be made in the manner and as provided for the payment of municipal improvement assessments in the provisions of Title 11-48-48, Code of Alabama 1975, as the same has heretofore or may hereafter be

amended, and upon the property owner failure to pay such assessment the officer designated by the city to collect such assessments shall proceed to collect the assessment as provided in the provisions of Section 11-48-49 through 11-48-53, Code of Alabama 1975.

Section 7. This act shall be cumulative in its nature, and in addition to any and all power and authority which any such city may have under any other law.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, by a court of competent jurisdiction, such declaration shall not affect the part which remains.

Section 9. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 8, 1980

Time: 4:30 P.M.

Act No. 80-411

H. 919—McCorquodale

AN ACT

Relating to Clarke County; repealing Act No. 104, H. 425 of the 1973 Regular Session, entitled, "An Act To create the position of deputy coroner in all counties having a population of not less than 26,000 nor more than 26,800 inhabitants according to the most recent federal decennial census."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 104, H. 425 of the 1973 Regular Session, entitled, "An Act To create the position of deputy coroner in all counties having a population of not less than 26,000 nor more than 26,800 inhabitants according to the most recent federal decennial census," is hereby repealed.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. The provisions of this Act shall become effective only upon the passage and enactment into law of that bill of the current legislative session which provides for the office of deputy coroner in Clarke County. If said bill is not enacted into law, then the provisions of this Act shall be null and void.

Approved May 8, 1980

Time: 4:30 P.M.

Act No. 80-412

H. 920—McCorquodale

AN ACT

Relating to Clarke County; providing further for the office of county coroner; providing for the appointment, qualifications, powers, duties, and salary of the deputy coroner; authorizing the county governing body to appoint not more than two such deputies coroner; providing an expense allowance for the county coroner, payable from the county treasury.

Be It Enacted by the Legislature of Alabama:

Section 1. In Clarke County, there is hereby created the office of deputy coroner who shall have the same qualifications, powers and duties, and shall receive the same salary as the county coroner. The county governing body is authorized to appoint not more than two such deputies coroner.

Section 2. The county coroner shall be entitled to an expense allowance in the amount of two hundred dollars per month which shall be paid from the general fund of the county treasury in the same manner and on the same basis as expense allowances for other county officials. This expense allowance shall not be allowed to the deputies coroner.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 8, 1980

Time: 4:30 P.M.

Act No. 80-413

H. 921—McCorquodale

AN ACT

To provide for a certain increase in court costs in the Clarke County Division of the First Judicial Circuit of this state with a portion of the proceeds from such increase to be earmarked for use of the Sheriff of Clarke County.

Be It Enacted by the Legislature of Alabama:

Section 1. On the first day of the first month next following the effective date of this act, all costs and charges of court in the Clarke County division of the First Judicial Circuit of this state shall be increased by five dollars (\$5.00) with the proceeds from such increase to be paid into the pistol permit fund of Clarke County to be used exclusively for improvement of law enforcement by the sheriff of Clarke County, with the approval of the County Commission.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on May 9, 1980 without approval by the Governor.

Act No. 80-414

H. 923—Waggoner

AN ACT

To alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

Be It Enacted by the Legislature of Alabama:

Section 1. To alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein, to-wit: All of the NE $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 2 Township 20 South, Range 3 West. All in Shelby County, Alabama.

Section 2. The substantive provisions of this Act shall become operative only if the Act is approved by the qualified electors who reside within that part of the territory herein above described which is not presently included within the corporate limits of the City of Pelham, voting in a referendum election to be held on a day designated by the Probate Judge of Shelby County, not less than twenty nor more than forty days from the date of this enactment. The notice of the election shall be given by the Probate Judge of Shelby County, and the election shall be held, conducted and the results thereof canvassed in the manner prescribed by Title

11, Chapter 42, Article 3, Code of Alabama, 1975, for giving notice of and conducting elections on the question of annexing territory to cities of twenty-five thousand or more inhabitants insofar as such provisions of said article may be appropriate; provided, however, no municipal resolution of the municipal governing body need be made or filed with the Probate Judge, nor need a plat or map of the territory to be annexed be filed with the Probate Judge. The question shall be on the adoption of Act No. _____ of the 1980 Regular Session of the Legislature, which alters, rearranges and extends the corporate limits of the City of Pelham, in Shelby County, Alabama. Each voter may furnish his own ballot, and if he desires to vote for the adoption of said Act there shall be written or printed on such ballot the word "Yes." If he desires to vote against the adoption of such Act the word "No" shall be written or printed on his ballot. The City of Pelham shall pay all costs and expenses incident to the election.

If a majority of the votes cast in the election are "Yes", the provisions of this Act shall become operative immediately. If the majority are "No", this Act shall have no further effect.

Approved May 8, 1980

Time: 4:30 P.M.

Act No. 80-415

H. 963—McCorquodale

AN ACT

Relating to Clarke County; providing an additional expense allowance for the tax collector and tax assessor of the county, as set by the county commission.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to any and all other compensation, salary and expense allowances provided for by law, the county commission of Clarke County is hereby authorized and empowered to grant an additional expense allowance to the tax assessor and to the tax collector of the county in an amount not to exceed three hundred dollars per month. Said expense allowance shall be paid out of the county general fund and paid in the same manner as other compensation and expense allowances received by said tax assessor and tax collector.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 8, 1980

Time: 4:30 P.M.

Act No. 80-416

H. 970—Cooley, Bowling

AN ACT

To amend further Act No. 1247, H. 1642, Regular Session 1971 (Acts 1971, p. 2147), relating to the issuance of pistol permits in Cullman County so as to correct a Code citation in such act.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 1247, H. 1642, Regular Session 1971 (Acts 1971, p. 2147), is hereby amended to read as follows:

“Section 1. Relating to Cullman County; the fee for issuance of a permit to carry a pistol concealed on or about the person or in a vehicle as provided in Section 13-6-155, Code of Alabama 1975, shall be ten dollars (\$10.00), which shall be collected by the sheriff.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 8, 1980

Time: 4:30 P.M.

Act No. 80-417

H. 978—Warren, McCorquodale

AN ACT

Relating to Monroe County; amending Act No. 1830, H. 2479, 1971 Regular Session (Acts 1971, p. 2996) entitled “An Act To provide for the compensation of the chief clerk of the judge of probate in Monroe County,” so as to increase said compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 1830, H. 2479, 1971 Regular Session (Acts 1971, p. 2996) is hereby amended to read as follows:

“Section 1. The chief clerk of the judge of probate in Monroe County shall be entitled to a salary of not more than seven hundred dollars a month, which shall be fixed and determined by the court of county commissioners, board of revenue, and other like governing body of the county, and shall be paid from the general funds of the county.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise

becoming a law.

Approved May 8, 1980

Time: 4:30 P.M.

Act No. 80-418 H. 979—Laird, Ward, Turnham, Harper (O)
AN ACT

To regulate the registration and identification of certain mobile homes in Chambers County and to prescribe penalties for violation of the provisions of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Every person, firm, or corporation who owns, maintains, or keeps in Chambers County a mobile home, except a mobile home which constitutes a part of his stock as a dealer and except a mobile home which has been assessed for ad valorem taxation as a part of the realty, shall pay an annual registration fee of three dollars (\$3.00). Every person, firm, or corporation who owns, maintains, or keeps a mobile home which is considered for ad valorem tax purposes as separate from the realty on which it sits shall receive a colored decal upon the payment of both his mobile home registration fee and ad valorem taxes on the mobile home. Every person, firm, or corporation who owns, maintains, or keeps a mobile home which is considered for ad valorem tax purposes as a part of the realty on which it sits shall receive an alternative color decal upon the payment of the ad valorem tax on said mobile home. Said decals shall be designed by the state department of revenue and displayed on the trailer for which the registration fee and/or ad valorem taxes was paid on or near the front entrance in such manner that it shall be readily accessible to the view of the license inspector. Such fee shall be paid to the judge of probate in Chambers County and shall be due, payable, and delinquent at the same times that motor vehicle licenses are due, payable, and delinquent. After payment of administrative expenses, including designer's fees, said judge shall distribute the proceeds of such registration fees at the same time and in the same proportions and under the same pains and penalties as the proceeds of motor vehicle license fees are distributed and said judge shall be entitled to the same commissions or allowances for so collecting and disbursing these registration fees as he receives for handling funds derived from issuing motor vehicle license tags in such counties.

Section 2. The owner of any mobile Home who fails to pay the registration fee hereby provided for or who fails to place on front of

mobile homes as required in Section 1 of this act, shall be guilty of a Class C misdemeanor and upon conviction shall be fined not more than five hundred dollars (\$500). In addition to all applicable criminal sanctions, a penalty of thirty dollars (\$30.00) shall be assessed against any person, firm, or corporation who fails to pay their registration fee at the proper time. The thirty dollars (\$30.00) penalty shall be distributed as follows: twenty-five dollars (\$25.00) to the county general fund and five dollars (\$5.00) to the office of the license inspector.

Section 3. The judge of probate in the county and the state department of revenue are hereby empowered to promulgate and carry out all rules and regulations necessary to implement the provision of this act.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 8, 1980

Time: 4:30 P.M.

Act No. 80-419

H. 986—Roberts

AN ACT

Relating to the 8th Judicial Circuit; to provide an additional expense allowance to each court reporter.

Be It Enacted by the Legislature of Alabama:

Section 1. Each court reporter for the 8th Judicial Circuit shall be allowed and paid an additional \$200 per month as an expense allowance which shall be in addition to any and all other pay, compensation or expense allowances provided by law. Said expense allowance shall be paid out of the general fund of the county comprising the 8th Judicial Circuit.

Section 2. This act shall become effective October 1, 1980.

Approved May 8, 1980

Time: 4:30 P.M.

Act No. 80-420

H. 987—Roberts

AN ACT

Relating to Morgan County; providing further for the salaries of the chairman and members of the county commission, effective after the present term.

Be It Enacted by the Legislature of Alabama:

Section 1. In Morgan County, the chairman of the county commission is hereby authorized to receive an annual salary of \$25,000.00 and each commissioner is authorized to receive an annual salary of \$16,500.00. Said salaries shall be payable from the general fund of the county in like manner as other county officers are paid. This change in salary shall take effect upon the expiration of the present term of office of the member whose term first expires.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 8, 1980

Time: 4:30 P.M.

Act No. 80-421

H. 993—Patton

AN ACT

Relating to Morgan County; to amend Section 1 of Act No. 733, S. 811, Regular Session 1977 (Acts 1977, p. 1279) which regulates the compensation of the members county board of registrars, so as to provide further for such compensation, and to give this Act retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 733, S. 811, Regular Session 1977 (Acts 1977, p. 1279) is hereby amended to read as follows:

“Section 1. The chairman and each member of the Morgan County Board of Registrars shall be entitled to compensation from the county in the amount of \$15.00 per day for each day's attendance upon business of the board. Such amounts shall be paid out of the county general fund and in addition to any compensation of registrars paid out of the state treasury and shall be paid in accordance with Morgan County Alabama Personnel Policies and Procedures.”

Section 2. This Act shall have a retroactive effect to October 1, 1979.

Approved May 8, 1980

Time: 4:30 P.M.

Act No. 80-422

H. 994—Patton

AN ACT

Relating to Morgan County; to provide for the mailing addresses of the grantors and grantees to appear on all conveyances of real property recorded in the probate office of such county.

Be It Enacted by the Legislature of Alabama:

Section 1. The probate judge of Morgan County shall not receive for record or permit the recording of any instrument in which the title to real property is conveyed, unless such instrument has endorsed on it a printed, typewritten or stamped statement, stating the mailing address of the grantor or grantee, respectively, or contains a statement of such addresses in the body of the instrument.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 8, 1980

Time: 4:30 P.M.

Act No. 80-423

H. 1010—Cooley, Bowling

AN ACT

Relating to Cullman County, to provide for expense allowance for the Board of Registrars, Jury Commission, and Board of Equalization.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the Board of Registrars, Jury Commission, and Board of Equalization in Cullman County shall receive an expense allowance of Five dollars (\$5.00) for each day they are in Session, which shall be in addition to any other compensation, expense allowance, or salary now received, to be paid from the Cullman County General Fund.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 8, 1980

Time: 4:30 P.M.

Act No. 80-424

S. 200—Gulledge

AN ACT

To propose an amendment to the Constitution of this State validating certain general acts of local application on a population basis and providing the method for amending such acts.

Be It Enacted by the Legislature of Alabama:

Section 1. An amendment to the Constitution of Alabama is hereby proposed, and shall become valid as a part thereof when adopted and proclaimed as prescribed by law:

PROPOSED AMENDMENT

Any statute that was otherwise valid and constitutional that was enacted before January 13, 1978, by the Legislature of this State and was a general act of local application on a population basis, that applied only to a certain county or counties or a municipality or municipalities of this State, shall not be declared invalid or unconstitutional by any court of this State because it was not properly advertised in compliance with Section 106 of this Constitution.

All such population based acts shall forever apply only to the county or counties or municipality or municipalities to which they applied on January 13, 1978, and no other, despite changes in population.

The population based acts referred to above shall only be amended by acts which are properly advertised and passed by the legislature in accordance with the provisions of this Constitution.

Section 2. An election upon the proposed amendment is ordered to be held at the next general election after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended and Sections 17-17-1 through 17-17-6 of the Code of Alabama, 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

CONSTITUTIONAL AMENDMENT

Passed the Senate as amended March 13, 1980

Passed the House as amended May 6, 1980

Senate Concurred in House Amendment May 8, 1980

Act No. 80-425

H. 941—Owens

AN ACT

Relating to Bibb County; authorizing the Bibb County Commission to levy a county privilege, license, or excise tax on the sale, distribution, storage, use, or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax, and appropriating the proceeds therefrom.

Be It Enacted by the Legislature of Alabama:

Section 1. The Bibb County Commission is hereby authorized to impose upon every person, firm, or corporation who sells, stores, delivers, uses or otherwise consumes tobacco or certain tobacco products in Bibb County a county privilege, license or excise tax in the following amounts:

(a) Two cents (\$0.02) for each package of cigarettes, made of tobacco or any substitute therefor.

(b) Two cents (\$0.02) for each cigar of any description made of tobacco or any substitute therefor.

(c) Two cents (\$0.02) for each sack, can, package, or other container of smoking tobacco, including granulated, plug cut, crimp cut, ready rubbed, and other kinds and forms of tobacco which is prepared in such manner as to be suitable for smoking in a pipe or cigarette.

(d) Two cents (\$0.02) for each sack, plug, package, or other container of chewing tobacco, which tobacco is prepared in such manner as to be suitable for chewing only and not suitable for smoking as described in subsection (c) of this section.

(e) Two cents (\$0.02) for each can, bottle, glass, tumbler, package, or other container of snuff made of tobacco or any substitute therefor.

Said privilege, license or excise tax shall be in addition to all other taxes heretofore imposed by law.

Provided, however, when the license tax hereby required to be paid shall have been paid by a wholesaler or seller of cigarettes, cigars, snuff, smoking tobacco and like tobacco products, such payment shall be sufficient, the intent being that such license tax hereby required to be paid shall be paid but once on each package of cigarettes and on each cigar.

Section 2. Upon adoption by the Bibb County Commission, every person, firm, corporation, club, or association that sells or stores or received for the purpose of distribution in Bibb County any cigarettes, cigars, snuff, smoking tobacco and like tobacco products shall add the amount of the license or privilege tax levied and assessed herein to the price of the cigarettes, cigars, snuff, smoking tobacco and like tobacco products it being the purpose and intent of this provision that the tax levied is, in fact, a levy on the consumer with the person, firm, corporation, club or association, who sells or stores or receives for the purpose of distributing the cigarettes, cigars, snuff, smoking tobacco and like tobacco products, acting merely as agent for the collection of the tax. The dealer, storer, or distributor shall state the amount of the tax separately from the price of the cigarettes, cigars, snuff, smoking tobacco and like tobacco products, on all price display signs, sales or delivery slips, bills and statements which advertise or indicate the price of the cigarettes, cigars, snuff, smoking tobacco and like tobacco products. It shall be unlawful for any dealer, storer or distributor engaged in or continuing in Bibb County in the business for which the tax is hereby levied to fail or refuse to add to the sales price and collect from the purchaser the amount due on account of the tax herein provided or to refund or offer to refund all or any part of the amount collected or to absorb or advertise directly or indirectly the absorption of the tax or any portion thereof. Any person, firm, corporation, club or association violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined not more than one hundred dollars (\$100.00) or imprisoned in the county jail for not more than sixty days, or by both such fine and imprisonment. Each act in violation of this section shall constitute a separate offense.

Section 3. The tax hereby authorized shall be paid by affixing stamps as is required for the payment of the tax imposed by Section 40-25-1 through Section 40-25-28, Code of Alabama

1975. The state department of revenue shall have the same duties relative to the preparation and sale of stamps to evidence the payment of such tax that it has relative to the preparation and sale of stamps under those sections and may exercise the same powers and perform the same duties in the same manner relative to the collection of the tax hereby levied that it does relative to the collection of that tax.

Section 4. The state department of revenue is hereby authorized to promulgate and enforce rules and regulations to effectuate the purposes of this Act. All such rules and regulations duly promulgated shall have the force and effect of law.

Section 5. All laws, and rules and regulations of the department of revenue, relating to the manner and time of payment of the tax levied by Section 40-25-1 through Section 40-25-28, Code of Alabama 1975, requiring reports from dealers and prescribing penalties for violations shall apply with equal force to the tax levied by this act as fully as if set out herein.

Section 6. The proceeds from the tax hereby authorized, less the actual costs of collection not to exceed five per centum (5%) shall be paid by the state Department of Revenue into the County general fund of Bibb County to be expended at the discretion of the county commission.

Section 7. (a) None of the provisions of this act shall be applied in such manner as to be in violation of the commerce or other clauses of the federal or state constitution. (b) This statute shall not be construed to apply to cigarettes, cigars, snuff, smoking tobacco and like tobacco products stored by a wholesale dealer for the purpose of resale or reshipment outside of such counties which are actually resold or reshipped.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this act are hereby repealed.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 12, 1980

Time: 9:00 A.M.

AN ACT

Relating to Geneva County; providing that the Geneva County Commission or like governing body of Geneva County shall be authorized to levy sales and use taxes generally paralleling the state sales and use taxes with the same and additional exemptions and exclusions; providing for the collection of the revenue from said taxes; providing for the distribution of said revenue; providing that any such taxes may be levied in Geneva County as a whole or that there may be excluded from any such levy any incorporated municipality in Geneva County in which the general administration and supervision of public schools shall be vested in a city board of education; and providing for the discretionary holding of an advisory referendum.

Be It Enacted by the Legislature of Alabama:

Section 1. In order to provide funds for the benefit of the public schools in Geneva County, the Geneva County Commission or other governing body of Geneva County is hereby authorized to levy and to provide for the assessment and collection of any sales and use taxes generally paralleling the state sales and use taxes in Geneva County or in any portion thereof as hereinafter provided, which tax or taxes shall be in addition to any and all other county taxes heretofore or hereafter authorized by law in Geneva County. Any such tax may be levied in Geneva County as a whole or there may be excluded from the levy of any such tax, in the discretion of the said governing body, any sales or use which shall take place in any incorporated municipality in Geneva County in which the general administration and supervision of public schools shall be vested in a city board of education. Such governing body may, in its discretion, submit the question of levying any such tax to a vote of the qualified electors of Geneva County, or to a vote of the said electors in any portion of Geneva County in which any such tax is proposed to be levied, and if such governing body submits the question to the said voters, then the governing body shall also provide for holding and canvassing the returns of the election and for giving notice thereof. Said referendum shall be an advisory referendum only. All the proceeds from any tax levied pursuant to this Act less the cost of collection thereof shall be used solely for public school purposes in Geneva County, or in that portion of Geneva County in which the said tax shall be levied and collected. Notwithstanding anything to the contrary herein, said governing body of Geneva County shall not levy any tax hereunder measured by gross receipts, except a sales or use tax which generally parallels, except for the rate of tax, that imposed by the state under applicable law. If such tax shall be levied in Geneva County as a whole or in any portion of Geneva County having more than one school system, the proceeds of the said tax shall be apportioned among the said school systems in the same relative proportion as funds received by such school systems from

the minimum program fund of the State of Alabama are so apportioned. If said tax shall be levied in any portion of Geneva County in which there is but one school system, the proceeds of said tax shall be used only for the benefit of said one school system.

Section 2. There are exempted and excluded from the provision of this Act the same exemptions and exclusions applicable to the state sales and use taxes in addition to the entire gross proceeds of the sale of automobiles and farm machinery and equipment.

Section 3. The proceeds from the taxes provided for herein shall be collected by the state department of revenue. Said proceeds, less any costs of collection, shall be deposited without delay into the state treasury to the credit of the county of Geneva to be properly distributed by said county as provided for herein. The amount deducted from said proceeds by the department of revenue for the cost of collection shall be an amount equivalent to five percent (5%) of the revenue collected hereunder.

Section 4. The state department of revenue shall have the same authority to enforce the provisions of this act that it has to enforce the provisions of the state sales and use tax laws.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1980

Time: 11:30 A.M.

Act No. 80-427

H. 287—Manley

AN ACT

To impose a \$.04 per gallon tax on gasoline, motor fuel and lubricating oil as defined in Sections 40-17-30, 40-17-1 and 40-17-170, Code of Alabama, 1975 respectively; to provide for certain exemptions from the excise tax; to provide for the distribution and use of the gasoline, motor fuel and lubricating oil tax revenues collected from the sale of such products; to provide for the Commissioner of Revenue

to collect the tax and enforce provisions of the Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Levy of Tax. There is hereby levied in addition to all other taxes of every kind now imposed by law an excise tax on gasoline, motor fuel and lubricating oil of \$.04 per gallon, which shall be collected as herein provided.

(a) Every manufacturer, distributor, refiner, retail dealer, storer or user of gasoline, motor fuel or lubricating oil shall collect and pay over to the State Department of Revenue an excise tax of \$.04 per gallon upon the selling, use or consumption, distributing, storing or withdrawing from storage in this state for any use of gasoline, motor fuel or lubricating oil as defined or otherwise referred to in this bill, except gasoline, motor fuel and lubricating oil expressly exempted by the provisions of this Act. Provided, that where any excise tax imposed by this section upon the sale, use or consumption, distribution, storage, withdrawal from storage in this state of such gasoline, motor fuel or lubricating oil shall have been paid to the state by a manufacturer, distributor, refiner or by any retail dealer, storer or user, such payments shall be sufficient, the intent being that the tax shall be paid to the state but once.

(b) The State Department of Revenue is hereby authorized to issue to the United States certificates of exemption, upon forms prescribed by the Department, for use by the United States in purchasing gasoline, motor fuel or lubricating oil taxed by this section within the State of Alabama and which is paid for by the United States. Any person in reporting and paying the tax to the Department may deduct the number of gallons of such products taxed by this section sold to the United States, as shown by such certificate of exemption duly executed by the United States and filed with such report, and the Department is authorized to adopt rules and regulations with respect to the issuance and use of such certificates.

(c) The following are expressly exempted from the provisions of this Act:

(1) Gasoline and other fuel used to propel aircraft powered by reciprocating engines, any fuel used to propel aircraft powered by jet or turbine engines and lubricating oil used in such aircraft;

(2) Gasoline and motor fuel used to propel ships, vessels, barges, railroad locomotives, other railroad equipment, and lubricating oil used in ships, vessels, barges, railroad locomotives and other railroad equipment;

(3) Gasoline, motor fuel and lubricating oil sold to be used for

agricultural purposes; and

(4) Gasoline, motor fuel and lubricating oil sold to governing bodies of counties and incorporated municipalities.

(5) Gasoline, Motor fuel and lubricating oil sold to be used in off-road vehicles which presently do not require state licensing; specifically, but not limited to, forklifts and other like devices not for use on the streets and highways of this state.

Section 2. Administration of this Act and collection of tax.

(a) The provisions of this Act pertaining to gasoline and the tax herein levied on gasoline shall be administered and collected in accordance with Sections 40-17-30; 40-17-32 through 40-17-37; 40-17-39 through 40-17-49; and 40-17-52, Code of Alabama, 1975.

(b) The provisions of this Act pertaining to motor fuel and the tax herein levied on motor fuel shall be administered and collected in accordance with Sections 40-17-1; 40-17-3 through 40-17-12; 40-17-14 through 40-17-20, Code of Alabama, 1975.

(c) The provisions of this Act pertaining to lubricating oil and the tax herein levied on lubricating oil shall be administered and collected in accordance with Sections 40-17-170; 4-17-173; 40-17-176 through 40-17-186, Code of Alabama, 1975.

Section 3. Distribution of the tax proceeds derived from motor fuel. All revenues received or collected by the Department of Revenue upon the selling, use or consumption, distributing, storing or withdrawing from storage in this state of motor fuel, remaining after the payment of the expense of administration and enforcement of this Act are hereby allocated and appropriated to be used for highway purposes by the State Highway Department.

Section 4. Distribution of the tax proceeds derived from gasoline and lubricating oil. All revenues received or collected by the Department of Revenue upon the selling, use or consumption, distributing, storing or withdrawing from storage in this state of gasoline and lubricating oil remaining after the payment of the expense of administration and enforcement of this Act are hereby allocated and appropriated in the following manner:

(a) Forty-five percent of the net tax proceeds is hereby allocated and appropriated for state highway purposes and as the state's share of the net tax proceeds. The said 45 percent of the net tax proceeds shall be covered into the state treasury to the credit of the public road and bridge fund and shall be disbursed as provided in this Act.

(b) Fifty-five percent of the net tax proceeds is hereby allocated and appropriated to be used for highway purposes by the counties and municipalities. The said 55 percent of the net tax proceeds shall be covered into the state treasury and shall be disbursed and allocated as hereinafter provided in this section.

(1) A portion of the local subdivisions' share of the net tax proceeds that is equal to 25 percent of the net tax proceeds shall be allocated equally among the 67 counties of the state.

(2) The entire residue of the local subdivisions' share of the net tax proceeds, being an amount equal to 30 percent of the net tax proceeds shall be allocated among the 67 counties of the state on the basis of the ratio of the population of each such county to the total population of the state according to the then next preceding federal decennial census, or any special federal census heretofore held in any county subsequent to the effective date of the 1970 federal decennial census. The allocation provided for in this subsection shall be made on or prior to the tenth day of each month with respect to receipts of the highway gasoline tax by the state during the preceding month.

(3) The distributions provided for in this subsection shall be made monthly. The amounts allocated or apportioned to each county shall be disposed of as follows:

(a) Ten percent of the amount so allocated or apportioned to each county shall be distributed among the said municipalities in the county with respect to which the allocation or apportionment is made, each such distribution among the said municipalities to be on the basis of the ratio of the population of each such municipality to the total population of all municipalities in the applicable county according to the then next preceding federal decennial census. Provided, however, any local laws or general laws of local application now in effect regarding the distribution of the tax levied by Section 40-17-31, Code of Alabama, 1975, as amended, shall govern the distribution of the amounts allocated or apportioned within every county by this section; provided further, that the legislature may by general or local laws prescribe other distributions within counties to local governments; and

(b) The remaining portion of the amount so allocated or apportioned to each county shall be distributed to the county with respect to which such allocation or apportionment is made.

(4) The population of any municipality incorporated subsequent to the taking of the then next preceding federal decennial census shall be deemed to be the population shown by the

census for that municipality taken pursuant to the requirements of Section 11-41-4. Any municipality incorporated after September 30, 1978 shall not participate in the distribution provided for in this section until the fiscal year next succeeding the fiscal year during which it is incorporated, the first distribution to such municipality to be made in respect of receipts of the highway gasoline tax by the state during October of the fiscal year next succeeding the said incorporation.

(5) When requested to do so by any municipality, the highway department may at its discretion make available the services and advice of its engineers and other employees with respect to any work for which that municipality proposes to expend moneys distributed to it under this division. Any such services and advice that may be so made available shall be provided under such terms and conditions as may be mutually agreeable to the highway department and the municipality.

Section 5. Use of net tax proceeds for highway purposes.

(a) Within the meaning of this section the following words and phrases shall have the following meaning:

(1) **RESURFACING, RESTORATION AND REHABILITATION (RRR).** Work undertaken to preserve an existing facility. Restoration and Rehabilitation is considered to be work required to return the existing pavement or bridge deck (including shoulders) to a condition of adequate structural support or to a condition adequate for placement of an additional state of construction (bridge deck protective system or resurfacing). Resurfacing consists of the placement of additional surface material over the existing, restored or rehabilitated roadway or bridge deck to improve serviceability or to provide additional strength. RRR work may include changes to geometric features, such as minor widening, flattening curves, or improving sight distances.

(2) **BRIDGE REPLACEMENT.** Bridge replacement includes the replacement of existing bridge structures and, if necessary, the realignment of the adjacent approaches.

(b) It is the intent of the legislature that the proceeds of the tax collected on motor fuel, gasoline and lubricating oil under the provisions of this Act shall be used in the following manner:

(1) Where the use is by the highway department, such use shall, with the approval of the Governor, be for the construction and maintenance of public roads and bridges on the state highway system.

(2) Where the use is by a county, such use shall be for the resurfacing, restoration, and rehabilitation of the paved county roads and bridges or bridge replacement on the county road system. Such funds shall not be used for new construction unless 90% of the county's paved road system has achieved a grade of 85% based on the State of Alabama Highway Department's Annual Maintenance Report of County Roads and Bridges. These funds shall not be used for the purchase of equipment. The net tax proceeds distributed to the county shall not be commingled with other funds of the county, including any other gasoline tax revenues, and shall be kept and disbursed by such county from a special fund only for the purposes hereinabove provided.

(3) Where the use is by a municipality, such use shall be for resurfacing, restoration and rehabilitation of roads, bridges, and streets within the municipality. The use may also be for bridge replacement within the municipality. These funds shall not be commingled with other funds of the municipality including any other gasoline tax revenues and shall be kept and disbursed by such municipality from a special fund only for the purposes hereinabove provided.

Section 6. The State Treasurer shall make all allocations of the revenue collections and shall make the distribution and payments thereof pursuant to such allocations provided for in this Act.

Section 7. All laws or parts of laws which conflict with this Act are repealed or modified to the extent necessary to carry out the provisions of this Act.

Section 8. The provisions of this Act are severable. If any part of the Act is declared unconstitutional, such declaration shall not affect the parts which remain.

Section 9. This Act shall become effective on the 1st day of August, 1980.

Approved May 15, 1980

Time: 3:30 P.M.

Act No. 80-428

H. 648—Manley

AN ACT

To amend Title 40, Code of Alabama, 1975 relating to the motor carrier fuel tax; and to specifically amend the following sections: §40-17-140, relating to definitions

pertaining to the motor carrier fuel tax; §40-17-142, relating to credit of payment of gasoline and motor fuel taxes; and §40-17-155, relating to penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 40-17-140, 40-17-142, and 40-17-155, Code of Alabama, 1975 are hereby amended to read as follows:

“§40-17-140. Definitions. For the purpose of this article, the following terms shall have the meanings respectively ascribed by this action:

“(1) Motor Vehicle. Any passenger vehicle that has seats for more than nine passengers in addition to the driver, or any road tractor, or any tractor truck, or any truck having more than two axles.

“(2) Motor Carrier. Every person, firm or corporation who or which operates or causes to be operated on any highway in this state any motor vehicle, as defined herein, except any resident person, firm or corporation owning or operating not more than one such motor vehicle for his own use and not for hire, and except any person, firm or corporation the motor vehicles of which are operated or caused to be operated wholly within this state.

“(3) Operations. Operations of all motor vehicles, whether loaded or empty, whether for compensation or not for compensation, and whether owned by or leased to the motor carrier who operates them or causes them to be operated.

“(4) Motor Fuel. Gasoline, diesel fuel and any other inflammable liquid or substance by whatever name it may be known or sold, the use of which is as a fuel for the propulsion of motor vehicles.

“(5) Commissioner. The commissioner of the state department of revenue.

“(6) Gasoline Tax. The tax imposed by article 2 of this chapter and by House Bill 287 enacted during the 1980 Regular Session of the Legislature of Alabama (Acts 1980, No. 80-427, p. 590).

“(7) Diesel Fuel Tax. The tax imposed by sections 40-17-1 through 40-17-20 and by House Bill 287 enacted during the 1980 Regular Session of the Legislature of Alabama (Acts 1980, No. 80-427, p. 590).

“§40-17-142. Credit of payment of gasoline and motor fuel taxes.

“(a) Every motor carrier subject to the tax hereby imposed

shall be entitled to a credit on such tax equivalent to the rate per gallon of the applicable Alabama tax on motor fuel which is currently in effect on all motor fuel purchased by such motor carrier within this state for use in its operations either within or without this state and upon which the motor fuel tax has been paid by such motor carrier. Evidence of the payment of such taxes in such form as may be required by, or is satisfactory to, the commissioner shall be furnished by each such carrier claiming the credit herein allowed. When the amount of the credit herein provided to which any motor carrier is entitled for any quarter exceeds the amount of the tax hereby imposed for which the motor carrier is liable for the same quarter, such excess may under regulations of the commissioner be allowed as a credit on the tax hereby imposed for which such motor carrier would be otherwise liable for any of the three succeeding quarters; or upon application within three years from the end of any quarter, duly verified and presented, in accordance with regulations promulgated by the commissioner and supported by such evidence as may be satisfactory to the commissioner, such excess may be refunded if it shall appear that the applicant has paid to another state under a lawful requirement of such state a tax, similar in effect to the tax herein provided, on the use or consumption in such state of motor fuel purchased in Alabama to the extent of the rate of the rate per gallon of the applicable Alabama tax on motor fuel which is currently in effect.

“(b) If the commissioner shall refuse to allow a refund in the amount claimed by the applicant, the applicant may request a hearing which shall be before the department of revenue, with the burden being on the applicant to prove its or his right, if any, to such refund. Such hearing shall be held by the commissioner after notice to the applicant of not less than 10 days. Whenever any refund is ordered it shall be paid by warrant of the state comptroller out of the same funds to which disbursed as provided in section 40-17-146, and there is hereby appropriated out of said funds so much thereof as may be necessary to make refunds from time to time.

“§40-17-155. Penalties. Failure to comply with any provisions of this article, including failure to pay the tax, to file the required reports, to keep the required books and records or to comply with any rule or regulation issued by the commissioner of revenue pursuant to the provisions of this article shall be deemed a violation of the article, and each such failure or violation shall constitute a class B misdemeanor; and, upon conviction, any person who violates the article shall be punishable as provided by law. Each such violation shall constitute a separate offense.”

Section 2. All laws or parts of laws which are inconsistent or in conflict with the provisions of this Act are, to the extent of such inconsistency or conflict, hereby repealed.

Section 3. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective on the 1st day of August, 1980.

Approved May 15, 1980

Time: 3:30 P.M.

Act No. 80-429

S. 48—Bailey

AN ACT

To amend Section 41-16-50 of the Code of Alabama 1975, relating to awarding certain public contracts involving \$2,000 or more, so as to eliminate certain circumstances under which the contract may be awarded to other than the lowest bidder.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 41-16-50 of the Code of Alabama 1975 is hereby amended to read as follows:

“Section 41-16-50. (a) All expenditure of funds of whatever nature for labor, services or work, or for the purchase or lease of materials, equipment, supplies or other personal property involving \$2,000 or more, made by or on behalf of any state trade school, state junior college, state college or university under the supervision and control of the state board of education, the city and county boards of education, the district boards of education of independent school districts, the county commissions and the governing bodies of the municipalities of the state, and the governing boards of instrumentalities of counties and municipalities, including waterworks boards, sewer boards, gas boards and other like utility boards and commissions, except as hereinafter provided, shall be made under contractual agreement

entered into by free and open competitive bidding, on sealed bids, to the lowest responsible bidder; provided, that in the event a bid is received for an item of personal property to be purchased or contracted for from a person, firm or corporation deemed to be a responsible bidder, having a place of business within the county, where the awarding authority is the county or instrumentality thereof, or within the municipality, where the municipality or an instrumentality thereof is the awarding authority, which such bid is no more than three percent greater than the bid of the lowest responsible bidder, the awarding authority may award the contract to such resident responsible bidder. In the event only one bidder responds to the invitation to bid, the awarding authority may reject the bid and negotiate the purchase or contract, providing the negotiated price is lower than the bid price.

“(b) The governing bodies of two or more contracting agencies, as hereinabove enumerated within the same county or adjoining counties, may provide by joint agreement for the purchase of labor, services, or work, or for the purchase or lease of materials, equipment, supplies or other personal property for use by their respective agencies. Such agreement shall be entered into by similar ordinances, in the case of municipalities, or resolutions, in the case of other contracting agencies, adopted by each of the participating governing bodies, which shall set forth the categories of labor, services or work, or for the purchase or lease of materials, equipment, supplies or other personal property to be purchased, the manner of advertising for bids and of awarding of contracts, the method of payment by each participating contracting agency and other matters deemed necessary to carry out the purposes of the agreement. Each contracting agency’s share of expenditures for purchases under any such agreement shall be appropriated and paid in the manner set forth in the agreement and in the same manner as for other expenses for the contracting agency. The contracting agencies entering into a joint agreement, as herein permitted, may designate a joint purchasing agent, and such agent shall have the responsibility to comply with the provisions of this article. It is provided further that purchases, contracts or agreements made pursuant to a joint purchasing agreement shall be subject to all of the terms and conditions of this article.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 8, 1980

Time: 12:15 P.M.

Act No. 80-430

H. 1077—Zoghby, Kennedy

AN ACT

To levy an additional franchise tax on domestic and foreign corporations; to provide for the distribution of the proceeds of said tax and to provide that the provisions of this Act shall be effective only for the fiscal year of 1980-1981.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to any and all other taxes heretofore imposed by law, every corporation required by Sections 40-14-40 and 40-14-41, Code of Alabama 1975, to pay an annual franchise tax, is hereby required to pay an additional annual franchise tax of \$.06 on each \$1,000.00 of its capital stock or of the actual amount of its capital employed in this state. Remittance of this additional franchise tax shall be made to the Department of Revenue. The said tax shall be deposited in the state treasury to the credit of the pensions and security fund to be used exclusively for child care programs.

Section 2. The provisions of this Act shall be effective for the fiscal year of 1980-1981, and at the end of said fiscal year the provisions of this Act shall terminate.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 19, 1980

Time: 1:30 P.M.

Act No. 80-431

H. 521—Seibels

AN ACT

Proposing an amendment to the Constitution of 1901, relating to legalizing the operation of bingo games for prizes or money by certain non-profit organizations for charitable or educational purposes in Jefferson County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed, and shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation of the Governor.

PROPOSED AMENDMENT

The operation of bingo games for prizes or money by non-profit

organizations for charitable or educational purposes shall be legal in Jefferson County, subject to the provisions of any resolution or ordinance by the county governing body or the governing bodies of the respective cities and towns, within their respective jurisdictions. The said governing bodies shall have the authority to promulgate rules and regulations for the licensing and operation of bingo games, within their respective jurisdictions, provided, however, that said governing bodies must insure compliance with the following provisions:

(a) No person under the age of 19 shall be permitted to play any game or games of bingo, nor shall any person under the age of 19 be permitted to conduct or assist in the conduct of any game of bingo;

(b) No bingo license shall be issued to any non-profit organization, unless such organization shall have been in existence for at least 24 months immediately prior to the issuance of the license;

(c) Bingo games shall be operated only on the premises owned or leased by the non-profit organization operating the bingo game. If the premises is leased, the rate of rental shall not be based on a percentage of receipts or profits resulting from the operation of bingo games;

(d) No non-profit organization shall enter into any contract with any individual, firm, association or corporation to have said individual, or entity operate bingo games or concessions on behalf of the non-profit organization, nor shall said non-profit organization pay consulting fees to any individual or entity for any services performed in relation to the operation or conduct of a bingo game;

(e) A non-profit organization shall not lend its name or allow its identity to be used by any other person or entity in the operating or advertising of a bingo game in which said non-profit organization is not directly and solely operating said bingo game;

(f) Prizes given by any non-profit organization for the playing of bingo games shall not exceed \$1,200.00 in cash or gifts of equivalent value during any bingo session or \$2,400.00 in cash or gifts of equivalent value during any calendar week;

(g) No person or organization, by whatever name or composition thereof, shall take any salary, expense money, or fees as remuneration for services rendered in the operation of any bingo game.

Section 2. An election upon the proposed amendment is ordered to be held at the next general, special, or primary election after the expiration of three months from final adjournment of the current session of the legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama, 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

CONSTITUTIONAL AMENDMENT

Passed the House as Amended May 6, 1980

Passed the Senate May 19, 1980

Act No. 80-432

H. 685—Zoghby

AN ACT

Proposing an amendment to Constitutional Amendment CCCLI which was proposed by Act No. 545, Regular Session, 1975, and proclaimed ratified by the Governor of Alabama on January 22nd, 1976, as amended, relating to the authorization of the legislature to provide for the levy and collection of a one mill ad valorem tax in Mobile County for the purpose of controlling mosquitos, rodents and other vectors of public health and welfare significance.

Be It Enacted by the Legislature of Alabama:

Section 1. It is hereby proposed that Amendment CCCLI to the Constitution of Alabama which was proposed as Act No. 545, Regular Session, 1975, and proclaimed ratified by the Governor of Alabama on January 22nd, 1976, as amended, be further amended by inserting the words “and other general health purposes; provided however, the portion of such tax, levied and collected, allocated to general health purposes shall in no event exceed fifty per cent (50%) of such tax, levied and collected;” in the first sentence of Amendment CCCLI so that the first sentence of said Amendment CCCLI shall read as follows:

“The Legislature may authorize the levy and collection of a one mill ad valorem tax in Mobile County on real and personal property that is subject to such tax under the laws of this state for the purpose

of controlling mosquitos, rodents and other vectors of public health and welfare significance and other general health purposes; provided however, the portion of such tax, levied and collected, allocated to general health purposes shall in no event exceed fifty per cent (50%) of such tax, levied and collected; and any acts of the legislature on this subject applicable to Mobile County that were enacted prior to the adoption of this amendment are hereby validated and reconfirmed."

Section 2. An election upon proposed amendment is ordered to be held on the first Tuesday, after expiration of three months from the final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Section 17-17-1, et. seq., Article 18, Title 17 of the Code of Alabama, 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. If a newspaper is not published in the county a copy of the notice shall be posted at the courthouse and in three other places in the county.

CONSTITUTIONAL AMENDMENT

Passed the House May 6, 1980

Passed the Senate May 19, 1980

Act No. 80-433

H. 1031—Hines

AN ACT

Proposing an amendment to the Constitution of Alabama relating to the compensation of certain officers of Escambia County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation of the Governor:

PROPOSED AMENDMENT

The legislature may, from time to time, by general or local laws applicable to or operative in Escambia County and approved by a

majority of the qualified electors of Escambia County at a referendum election, fix, regulate, and alter the costs and charges of court and the fees, commissions, allowances, and salaries, including the method and basis of their compensation, to be charged or received by the county officials of Escambia County; and may place any or all of such officials on a salary and provide for the fees, commissions, allowances, and percentages collectible by such officials to be paid into the treasury from which their salaries are paid.

In the event this amendment is approved and a majority of the qualified electors of said county who vote thereon vote in favor of the adoption of this amendment when it is submitted, then any law theretofore passed which places any officials in Escambia County on a salary basis, or any law fixing, regulating, and altering the costs and charges of court and the fees, commissions, allowances, and salaries of any official in Escambia County, may become effective without any other election having been held thereon. In the event this amendment is approved and a majority of the qualified electors of said county who vote thereon vote against its approval, then such act or acts shall have no further force or effect.

Section 2. An election upon the proposed amendment is ordered to be held on the date of the general or primary election next succeeding the final adjournment of the current session of the legislature. The election shall be held in accordance with the provisions of Sections 284, and 285 of the Constitution of Alabama of 1901, and Sections 17-17-1 through 17-17-6, Code of Alabama, 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

CONSTITUTIONAL AMENDMENT

Passed the House April 23, 1980

Passed the Senate May 19, 1980

To be known as the Alabama Rules of the Road Act, providing rules of highway and traffic safety, establishing general rules relating to the effect of traffic laws, establishing certain traffic laws and penalties for the violation thereof, providing for the establishment of traffic signs, signals and markings, and providing for certain powers of the state highway department and the department of public safety of this state; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this act.

Be It Enacted by the Legislature of Alabama:

Part I — Definitions; Obedience to and Effect of Traffic Laws

§1-100. Definition of words and phrases.

The following words and phrases when used in this act shall, for the purpose of this act, have meanings respectively ascribed to them in this section, except when the context otherwise requires.

(1) Alley. A street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic.

(2) Arterial street. Any U.S. or state numbered route, controlled-access highway, or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of major arterial system of streets or highways.

(3) Authorized emergency vehicle. Such fire department vehicles, police vehicles and ambulances as are publicly owned, and such other publicly or privately owned vehicles as are designated by the director of public safety or the chief of police of an incorporated city.

(4) Bicycle. Every device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than fourteen (14) inches in diameter.

(5) Bus. Every motor vehicle designed for carrying more than ten (10) passengers and used for the transportation of persons; and every motor vehicle other than a taxicab, designed and used for the transportation of persons for compensation.

(6) Business district. The territory contiguous to and including a highway when within any six hundred (600) feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks or office buildings, railroad stations and public buildings which occupy at least three hundred (300) feet of frontage on one side or three hundred (300) feet collectively on both sides of the highway.

(7) Cancellation of driver's license. The annulment or

termination by formal action of the director of public safety of a person's driver's license because of some error or defect in the license or because the licensee is no longer entitled to such license, but the cancellation of a license is without prejudice and application for a new license may be made at any time after such cancellation.

(8) Controlled-access highway. Every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

(9) Crosswalk. (a) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway;

(b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

(10) Dealer. Every person engaged in the business of buying, selling or exchanging vehicles who has an established place of business for such purpose in this state and to whom current dealer registration plates have been issued by the Department of Revenue.

(11) Department. The Department of Public Safety of this state acting directly or through its duly authorized officers and agents.

(12) Director. The director of public safety of Alabama.

(13) Driveaway-towaway operation. Any operation in which any motor vehicle, trailer or semitrailer, singly or in combination, new or used, constitutes the commodity being transported, when one set or more of wheels of any such vehicle are on the roadway during the course of transportation, whether or not such vehicle furnishes the motive power.

(14) Driver. Every person who drives or is in actual physical control of a vehicle.

(15) Driver's license. Any license to operate a motor vehicle issued under the laws of this state.

(16) Essential parts. All integral and body parts of a vehicle of a type required to be registered hereunder, the removal,

alteration or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type or mode of operation.

(17) Established place of business. The place actually occupied either continuously or at regular periods by a dealer or manufacturer where his books and records are kept and a large share of his business is transacted.

(18) Explosives. Any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustive units or other ingredients in such proportions, quantities or packing that an ignition by fire, by friction, by concussion, by percussion or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb.

(19) Farm tractor. Every motor vehicle designed and used primarily as a farm implement, for drawing plows, mowing machines and other implements of husbandry.

(20) Flammable liquid. Any liquid which has a flash point of seventy degrees, Fahrenheit (70° F.), or less as determined by a fagliabue or equivalent closed-cup test device.

(21) Foreign vehicle. Every vehicle of a type required to be registered hereunder brought into this state from another state, territory or country other than in the ordinary course of business by or through a manufacturer or dealer and not registered in this state.

(22) Gross weight. The weight of a vehicle without load plus the weight of any load thereon.

(23) Highway. The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

(24) House trailer. (a) A trailer or semitrailer which is designed, constructed and equipped as a dwelling place, living abode or sleeping place (either permanently or temporarily) and is equipped for use as a conveyance on streets and highways, or

(b) A trailer or a semitrailer whose chassis and exterior shell is designed and constructed for use as a house trailer, as defined in paragraph (a), but which is used instead permanently or temporarily for the advertising, sales, display or promotion of merchandise or services, or for any other commercial purpose

except the transportation of property for hire or the transportation of property for distribution by a private carrier.

(25) Implement of husbandry. Every vehicle designed and adapted exclusively for agricultural, horticultural or livestock raising operations or for lifting or carrying an implement of husbandry and in either case not subject to registration if used upon the highways.

(26) Intersection. (a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

(b) Where a highway includes two roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty (30) feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

(c) The junction of an alley with a street or highway shall not constitute an intersection.

(27) Laned roadway. A roadway which is divided into two or more clearly marked lanes for vehicular traffic.

(28) License or license to operate a motor vehicle. Any driver's license or any other license or permit to operate a motor vehicle issued by the Director under the laws of this state, including any nonresident's operating privilege as defined herein.

(29) Local authorities. Every county, municipal and other local board or body having authority to enact laws relating to traffic under the constitution and laws of this state.

(30) Mail. To deposit in the United States mail properly addressed and with postage prepaid.

(31) Metal tire. Every tire the surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material.

(32) Motor vehicle. Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

(33) Motorcycle. Every motor vehicle having a seat or

saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

(34) Motor-driven cycle. Every motorcycle, including every motor scooter, with a motor which produces not to exceed five brake horsepower nor to exceed 150 cubic centimeter engine displacement, and weighs less than two hundred (200) pounds fully equipped, and every bicycle with motor attached.

(35) Nonresident. Every person who is not a resident of this state.

(36) Nonresident's operating privilege. The privilege conferred upon a nonresident by the laws of this state pertaining to the operation by such person of a motor vehicle, or the use of a vehicle owned by such person, in this state.

(37) Official traffic-control devices. All signs, signals, markings and devices not inconsistent with this act placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

(38) Owner. A person, other than a lienholder, having the property in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security.

(39) Park or parking. Means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

(40) Passenger car. Every motor vehicle, except motorcycles and motor-driven cycles, designed for carrying ten (10) passengers or less and used for the transportation of persons.

(41) Pedestrian. Any person afoot.

(42) Person. Every natural person, firm, copartnership, association or corporation.

(43) Pneumatic tire. Every tire in which compressed air is designed to support the load.

(44) Pole trailer. Every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes or structural

members capable, generally, of sustaining themselves as beams between the supporting connections.

(45) Police Officer. Every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

(46) Private road or driveway. Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

(47) Railroad. A carrier of persons or property upon cars other than street cars, operated upon stationary rails.

(48) Railroad sign or signal. Any sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

(49) Railroad train. A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails.

(50) Reconstructed vehicle. Every vehicle of a type required to be registered hereunder materially altered from its original construction by the removal, addition or substitution of essential parts, new or used.

(51) Registration. The registration certificate or certificates and registration plates issued under the laws of this state pertaining to the registration of vehicles.

(52) Residence district. The territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred (300) feet or more is in the main improved with residences or residences and buildings in use for business.

(53) Revocation of driver's license. The termination by formal action of the director of a person's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the director after the expiration of the applicable period of time prescribed in this act.

(54) Right of way. The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed or proximity as to give rise to danger of collision unless one

grants precedence to the other.

(55) Road tractor. Every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.

(56) Roadway. That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

(57) Safety zone. The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

(58) School bus. Every motor vehicle that complies with the color and identification requirements set forth by statute or regulation and is used to transport children to or from school or in connection with school activities, but not including buses operated by common carriers in urban transportation of school children.

(59) Security agreement. A written agreement which reserves or creates a security interest.

(60) Security interest. An interest in a vehicle reserved or created by agreement and which secures payment or performance of an obligation. The term includes the interest of a lessor under a lease intended as security. A security interest is "perfected" when it is valid against third parties generally, subject only to specific statutory exceptions.

(61) Semitrailer. Every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

(62) Sidewalk. That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use by pedestrians.

(63) Solid tire. Every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

(64) Special mobile equipment. Every vehicle not designed

or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including but not limited to: ditch digging apparatus, well boring apparatus and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, levelling graders, finishing machines, motor graders, road rollers, scarifiers, earth moving carry-alls and scrapers, power shovels and drag lines, and self-propelled cranes and earth moving equipment. The term does not include house trailers, dump trucks, truck mounted transit mixers, cranes or shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

(65) Specially constructed vehicle. Every vehicle of a type required to be registered hereunder not originally constructed under a distinctive name, make, model or type by a generally recognized manufacturer of vehicles and not materially altered from its original construction.

(66) Stand or standing. Means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

(67) State. A state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or a province of Canada.

(68) Stop. When required means complete cessation from movement.

(69) Stop or stopping. When prohibited means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

(70) Street. The entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

(71) Suspension of driver's license. The temporary withdrawal by formal action of the director of public safety of a person's license or privilege to operate a motor vehicle on the public highways, which temporary withdrawal shall be for a period specifically designated by the director.

(72) Through highway. Every highway or portion thereof on which vehicular traffic is given preferential right of way, and at

the entrances to which vehicular traffic from intersecting highways is required by law to yield the right of way to vehicles on such through highway in obedience to a stop sign, yield sign, or other official traffic-control device, when such signs or devices are erected as provided in this act.

(73) Trackless trolley coach. Every motor vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails.

(74) Traffic. Pedestrians, ridden or herded animals, vehicles, streetcars and other conveyances either singly or together while using any highway for purposes of travel.

(75) Traffic-control signal. Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

(76) Trailer. Every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

(77) Transporter. Every person engaged in the business of delivering vehicles of a type required to be registered hereunder from a manufacturing, assembling or distributing plant to dealers or sales agents of a manufacturer.

(78) Truck. Every motor vehicle designed, used or maintained primarily for the transportation of property.

(79) Truck tractor. Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

(80) Urban district. The territory contiguous to and including any street which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than one hundred (100) feet for a distance of a quarter of a mile or more.

(81) Vehicle. Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks; provided, that for the purposes of this title, a bicycle or a ridden animal shall not be deemed a vehicle.

§1-101. Provisions of chapter refer to vehicles upon the highways — exceptions.

The provisions of this Act relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except:

1. Where a different place is specifically referred to in a given section.

2. The provisions of Alabama Code tit. 32-7-37, 32-7-5, 32-7-12, 32-10-1 through 32-10-12, as they now exist or may hereafter be amended, and any other statutes of this state relating to accidents and accident reports, and also §§9-101 through 9-105 of this Act shall apply upon highways and elsewhere throughout the state.

§1-102. Required obedience to traffic laws.

It is unlawful and, unless otherwise declared in this Act with respect to particular offenses, it is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this Act.

§1-103. Obedience to police officers and firemen.

No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer or fireman invested by law with authority to direct, control or regulate traffic.

§1-104. Persons riding animals or driving animal-drawn vehicles.

Every person riding an animal or driving any animal-drawn vehicle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this Act, except those provisions of this Act which by their very nature can have no application.

§1-105. Persons working on highways—exceptions.

Unless specifically made applicable, the provisions of this Act except §§9-101 through 9-103 hereof shall not apply to persons, teams, motor vehicles and other equipment while actually engaged in work upon the surface of a highway but shall apply to such persons and vehicles when traveling to or from such work.

§1-106. Authorized emergency vehicles.

(a) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

(b) The driver of an authorized emergency vehicle may:

1. Park or stand, irrespective of the provisions of this Act;

2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

3. Exceed the maximum speed limits so long as he does not endanger life or property.

4. Disregard regulations governing direction of movement or turning in specified directions.

(c) The exemptions herein granted to an authorized emergency vehicle shall apply only when such vehicle is making use of an audible signal meeting the requirements of Alabama Code tit. 32-5-213 and visual requirements of any laws of this state requiring visual signals on emergency vehicles.

(d) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

Part II — Traffic Signs, Signals and Markings

§2-100. Uniform marking of highways and erection of traffic-control devices.

(a) The highway department is authorized to classify, designate, and mark both interstate and intrastate highways lying within the boundaries of this state.

(b) The highway department shall adopt a manual and specifications for a uniform system of traffic-control devices consistent with the provisions of this Act and other state laws for use upon highways within this state. Such uniform system shall correlate with and so far as possible conform to the system set forth in the most recent edition of the *Manual on Uniform Traffic-Control Devices for Streets and Highways* and other standards issued or endorsed by the Federal Highway Administrator.

(c) No local authority shall place or maintain any traffic-control device upon any highway under the jurisdiction of the highway department except by the latter's permission.

§2-101. Obedience to and required traffic-control devices.

(a) The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with law, unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this Act.

(b) No provision of this act for which official traffic-control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic-control devices are not required, such section shall be effective even though no devices are erected or in place.

(c) Whenever official traffic-control devices are placed in position approximately conforming to the requirements of this act or other law, such devices shall be presumed to have been so placed by the official act or discretion of lawful authority, unless the contrary shall be established by competent evidence.

(d) Any official traffic-control device placed pursuant to the provisions of this Act or other law and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this Act or other such law, unless the contrary shall be established by competent evidence.

§2-102. Traffic-control signal legend.

Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors Green, Red and Yellow shall be used, except for special pedestrian signals carrying a word or symbol legend, and said lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(a) Green indication.

1. Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield right of way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

2. Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

3. Unless otherwise directed by a pedestrian-control signal, as provided in §2-103, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the

roadway within any marked or unmarked crosswalk.

(b) Steady yellow indication.

1. Vehicular traffic facing a steady circular yellow or yellow arrow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter.

2. Pedestrians facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian-control signal as provided in §2-103, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

(c) Steady red indication.

1. Vehicular traffic facing a steady circular red signal alone shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection and shall remain standing until an indication to proceed is shown except as provided in subsection (c)2.

2. Except when a sign is in place prohibiting a turn, vehicular traffic facing any steady red signal may cautiously enter the intersection to turn right, or to turn left from a one-way street into a one-way street, after stopping as required by subsection (c)1. Such vehicular traffic shall yield the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

3. Unless otherwise directed by a pedestrian-control signal as provided in §2-103, pedestrians facing a steady circular red signal alone shall not enter the roadway.

(d) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such signal or marking the stop shall be made at the signal.

§2-103. Pedestrian-control signals.

Whenever special pedestrian-control signals exhibiting the words or symbols "Walk" or "Don't Walk" are in place such signals shall indicate as follows:

(a) "Walk". Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given

the right of way by the drivers of all vehicles.

(b) “Don’t Walk”. No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to a sidewalk or safety island while the “Don’t Walk” signal is showing.

(c) “Don’t Walk” (flashing). No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to a sidewalk or safety island while the “Don’t Walk” signal is flashing.

§2-104. Flashing signals.

(a) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows:

1. Flashing red (stop signal). When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

2. Flashing yellow (caution signal). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

(b) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules as set forth in §7-101 of this act.

§2-105. Lane-direction-control signals.

When lane-direction-control signals are placed over the individual lanes of a street or highway, vehicular traffic may travel in any lane over which a green signal is shown, but shall not enter or travel in any lane over which a red signal is shown.

§2-106. Display of unauthorized signs, signals or markings.

(a) No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official

traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of an official traffic-control device or any railroad sign or signal.

(b) No person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising.

(c) This section shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.

(d) Every such prohibited sign, signal or marking is hereby declared to be a public nuisance and the authority having jurisdiction over the highway is hereby empowered to remove the same or cause it to be removed without notice.

(e) No person shall use on any designated Federal-Aid or State System street or highway in this State any traffic regulator sign, signal, marking, or any other device, unless of a type which has been submitted to the Highway Director for test and examination, and for which a certification of approval has been issued by the Highway Director, which certification is then in effect as provided by this section.

(f) Any person desiring approval of any traffic sign, signal or any other traffic regulatory device, shall, when required submit to the Highway Director, one or more sets of each type of device upon which approval is desired, together with the fee as determined by the Highway Director. The Highway Director shall, upon notice to the applicant, submit such device to the proper testing agency, for a report as to the compliance of such device with the rules and uniform standard specifications adopted by the State of Alabama Highway Department. Such devices will also be subject to any road test or other tests as the Highway Director may deem necessary to determine that each type of device and its component parts conform to the requirements as adopted by the Director. The Highway Director is authorized to refuse approval of any device certified as complying with the specifications and requirements, which he determines will be, in actual use, unsafe or impracticable or would fail to comply with the provisions of this act, or such requirements as may be adopted by him.

(g) The Highway Director shall request the testing agency to submit a report of each type of device to him in duplicate. For those which are found to comply with the specifications and

requirements, the report shall include any special adjustments required. Reports of all tests shall be accessible to the public and a copy thereof shall be furnished by the Highway Director to the applicant for the test.

(h) No manufacturer, jobber, retailer, his agent, or other person shall sell, lease, or offer for sale or hire, any sign, signal or any other traffic regulatory device that does not conform to the provisions of this act.

§2-107. Interference with official traffic-control devices or railroad signs or signals.

No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down or remove any official traffic-control device or any railroad sign or signal or any inscription, shield or insignia thereon, or any other part thereof.

Part III — Driving on Right Side of Roadway — Overtaking and Passing — Use of Roadway

§3-101. Drive on right side of roadway — exceptions.

(a) Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:

1. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;

2. When an obstruction exists making it necessary to drive to the left of the center of the highway; provided, any person so doing shall yield the right of way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;

3. Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon; or

4. Upon a roadway restricted to one-way traffic.

(b) Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

(c) Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle

shall be driven to the left of the center line of the roadway, except when authorized by official traffic-control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted under subsection (a)2 hereof. However, this subsection shall not be construed as prohibiting the crossing of the center line in making a left turn into or from an alley, private road or driveway.

§3-102. Passing vehicles proceeding in opposite directions.

Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction each driver shall give to the other at least one-half of the main-traveled portion of the roadway as nearly as possible.

§3-103. Overtaking a vehicle on the left.

The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions and special rules hereinafter stated:

(a) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaking vehicle.

(b) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

§3-104. When passing on the right is permitted.

(a) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

1. When the vehicle overtaken is making or about to make a left turn;

2. Upon a roadway with unobstructed pavement of sufficient width for two or more lines of vehicles moving lawfully in the direction being traveled by the overtaking vehicle.

(b) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. Such movement shall not be made by driving off the roadway.

§3-105. Limitations on overtaking on the left.

No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable and in the event the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within two hundred (200) feet of any approaching vehicle.

§3-106. Further limitations on driving on left of center of roadway.

(a) No vehicle shall be driven on the left side of the roadway under the following conditions:

1. When approaching or upon the crest of a grade or a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;

2. When approaching within one hundred (100) feet of or traversing any intersection or railroad grade crossing;

3. When the view is obstructed upon approaching within one hundred (100) feet of any bridge, viaduct or tunnel.

(b) The foregoing limitations shall not apply upon a one-way roadway, nor under the conditions described in §3-101(a)2, nor to the driver of a vehicle turning left into or from an alley, private road or driveway.

§3-107. No-passing zones.

(a) The highway department and local authorities are hereby authorized to determine those portions of any highway under their respective jurisdictions where overtaking and passing or driving to the left of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the beginning and end of such zones and when such signs or markings are in place and clearly visible to an ordinarily observant person every driver of a vehicle shall obey the directions thereof.

(b) Where signs or markings are in place to define a no-passing zone as set forth in paragraph (a) no driver shall at any time

drive on the left side of the roadway within such no-passing zone or on the left side of any pavement striping designed to mark such no-passing zone throughout its length.

(c) This section does not apply under the conditions described in §3-101(a)2, nor to the driver of a vehicle turning left into or from an alley, private road or driveway.

§3-108. One-way roadways and rotary traffic islands.

(a) The highway department and local authorities with respect to highways under their respective jurisdictions may designate any highway, roadway, part of a roadway or specific lanes upon which vehicular traffic shall proceed in one direction at all or such times as shall be indicated by official traffic-control devices.

(b) Upon a roadway so designated for one-way traffic, a vehicle shall be driven only in the direction designated at all or such times as shall be indicated by official traffic-control devices.

(c) A vehicle passing around a rotary traffic island shall be driven only to the right of such island.

§3-109. Driving on roadways laned for traffic.

Whenever any roadway has been divided into two or more clearly marked lanes for traffic the following rules in addition to all others consistent herewith shall apply.

(a) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

(b) Upon a roadway which is divided into three lanes and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction when such center lane is clear of traffic within a safe distance, or in preparation for making a left turn or where such center lane is at the time allocated exclusively to traffic moving in the same direction that the vehicle is proceeding and such allocation is designated by official traffic-control devices.

(c) Official traffic-control devices may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the direction of every such device.

(d) Official traffic-control devices may be installed prohibiting the changing of lanes on sections of roadway and drivers of vehicles shall obey the directions of every such device.

§3-110. Following too closely.

(a) The driver of a motor vehicle shall not follow another more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway. Except when overtaking and passing another vehicle, the driver of a vehicle shall leave a distance of at least twenty (20) feet for each ten (10) miles per hour of speed between the vehicle that he is driving and the vehicle that he is following.

(b) The driver of any truck or motor vehicle drawing another vehicle of twenty-five (25) or more feet in length when traveling upon a roadway outside of a business or residence district and which is following another truck or motor vehicle drawing another vehicle of twenty-five (25) or more feet in length shall, whenever conditions permit, leave sufficient space, at least three hundred (300) feet, so that an overtaking vehicle may enter and occupy such space without danger, except that this shall not prevent a truck or motor vehicle drawing another vehicle of twenty-five (25) or more feet in length from overtaking and passing any vehicle or combination of vehicles.

(c) Motor vehicles being driven upon any roadway whether a business or residence district in a caravan or motorcade whether or not towing other vehicles shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This provision shall not apply to funeral processions.

§3-111. Driving on divided highways.

Whenever any highway has been divided into two or more roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so construed as to impede vehicular traffic, every vehicle shall be driven only upon the right hand roadway unless directed or permitted to use another roadway by official traffic-control devices or police officers. No vehicle shall be driven over, across or within any such dividing space, barrier or section, except through an opening in such physical barrier or dividing section or space or at a cross-over or intersection as established, unless specifically prohibited by public authority.

§3-112. Restricted access:

No person shall drive a vehicle onto or from any controlled

access roadway except at such entrances and exits as are established by public authority.

§3-113. Restrictions on use of controlled-access roadway.

(a) The highway department by resolution or order entered in its minutes, and local authorities by ordinance, may regulate or prohibit the use of any controlled-access roadway (or highway) within their respective jurisdictions by any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic.

(b) The highway department or the local authority adopting any such prohibition shall erect and maintain official traffic-control devices on the controlled-access highway on which such prohibitions are applicable and when in place no person shall disobey the restrictions stated on such devices.

Part IV — Right of Way

§4-101. Vehicle approaching or entering intersection.

(a) When two vehicles approach or enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right of way to the vehicle on the right.

(b) The right of way rule declared in paragraph (a) is modified at through highways and otherwise as stated in this chapter.

§4-102. Vehicle turning left.

The driver of a vehicle intending to turn to the left within an intersection into an alley, private road or driveway shall yield the right of way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.

§4-103. Vehicle entering stop or yield intersection.

(a) Preferential right of way at an intersection may be indicated by stop signs or yield signs as authorized in §4-104 hereof.

(b) Except when directed to proceed by a police officer every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After having stopped, the driver shall yield the right of way to any vehicle in the

intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time when such driver is moving across or within the intersection or junction of roadways.

(c) The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After slowing or stopping, the driver shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection or junction of roadways. Provided, however, that if such a driver is involved in a collision with a vehicle in the intersection or junction of roadways after driving past a yield sign without stopping, such collision shall be deemed *prima facie* evidence of this failure to yield right of way.

§4-104. Authority to designate through highways and stop and yield intersections.

The highway department with reference to state highways and local authorities with reference to highways under their jurisdictions may erect and maintain stop signs, yield signs, or other official traffic-control devices to designate through highways, or to designate intersections or other roadway junctions at which vehicular traffic on one or more of the roadways should yield or stop and yield before entering the intersection or junction.

§4-105. Vehicles entering highway from private road or roadway.

The driver of a vehicle about to enter or cross a roadway from any place other than another roadway shall yield the right of way to all vehicles approaching on the roadway to be entered or crossed.

§4-106. Operation of vehicles on approach of authorized emergency vehicles; signals on emergency vehicles.

(a) Upon the immediate approach of an authorized emergency vehicle equipped with at least one lighted lamp and audible signal as is required by law, the driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

(b) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with regard for the safety of all persons using the highways.

(c) Authorized emergency vehicles shall be equipped with at least one lighted lamp exhibiting a colored light as hereinafter provided visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle and a siren, exhaust whistle or bell capable of giving an audible signal. The color of the lighted lamp exhibited by police vehicles may be red or blue and the color of the lighted lamp exhibited by fire department and other authorized emergency vehicles, including ambulances, shall be red. An amber or yellow light may be installed on any vehicle or class of vehicles designated by the director of public safety, but such light shall serve as a warning or caution light only, and shall not cause other vehicles to yield the right of way. This provision shall not operate to relieve the driver of an emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway nor shall it protect the driver of any such vehicle from the consequences of an arbitrary exercise of such right of way.

§4-107. Highway construction and maintenance.

(a) The driver of a vehicle shall yield the right of way to any authorized vehicle or pedestrian actually engaged in work upon a highway within any highway construction or maintenance area indicated by official traffic-control devices.

(b) The driver of a vehicle shall yield the right of way to any authorized vehicle obviously and actually engaged in work upon a highway whenever such vehicle displays such flashing lights as may be required or permitted by law or by regulation of the department.

Part V — Pedestrians' Rights and Duties

§5-101. Pedestrian obedience to traffic-control devices and traffic regulations.

(a) A pedestrian shall obey the instructions of any official traffic-control device specifically applicable to him, unless otherwise directed by a police officer.

(b) Pedestrians shall be subject to traffic and pedestrian control signals as provided in §§2-102 and 2-103.

(c) At all other places, pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this act.

§5-102. Pedestrians' right of way in crosswalks.

(a) When traffic-control signals are not in place or not in operation the driver of a vehicle shall yield the right of way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

(b) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute an immediate hazard.

(c) Paragraph (a) shall not apply under the conditions stated in §5-103(b).

(d) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

§5-103. Crossing at other than crosswalks.

(a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of way to all vehicles upon the roadway.

(b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right of way to all vehicles upon the roadway.

(c) Between adjacent intersections at which traffic-control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk.

(d) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic-control devices: and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic-control devices pertaining to such crossing movements.

§5-104. Drivers to exercise care.

Notwithstanding other provisions of this act or the provisions of any local ordinance, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian and shall give warning by sounding the horn when necessary and shall exercise proper

precaution upon observing any child or any obviously confused, incapacitated or intoxicated person.

§5-105. Pedestrians to use right half of crosswalks.

Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

§5-106. Pedestrians on roadways.

(a) Where a sidewalk is provided and its use is practicable, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

(b) Where a sidewalk is not available, any pedestrian walking along and upon a highway shall walk only on a shoulder, as far as practicable from the edge of the roadway.

(c) Where neither a sidewalk nor a shoulder is available any pedestrian walking along and upon a highway shall walk as near as practicable to an outside edge of the roadway, and if on a two-way roadway, shall walk only on the left side of the roadway.

(d) Except as otherwise provided in this Act, any pedestrian upon a roadway shall yield the right of way to all vehicles upon the roadway.

§5-107. Pedestrian soliciting rides or business or fishing.

(a) No person shall stand in a roadway for the purpose of soliciting a ride.

(b) No person shall stand on a highway for the purpose of soliciting employment, business, or contributions from the occupant of any vehicle, nor for the purpose of distributing any article, unless otherwise authorized by official permit of the governing body of the city or county having jurisdiction over said highway.

(c) No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

§5-108. Driving through safety zone prohibited.

No vehicle shall at any time be driven through or within a safety zone.

§5-109. Pedestrians' right of way on sidewalks.

The driver of a vehicle shall yield the right of way to any pedestrian on sidewalk.

§5-110. Pedestrians yield to authorized emergency vehicles.

(a) Upon the immediate approach of an authorized emergency vehicle making use of an audible signal meeting the requirements of Alabama Code tit. 32-5-213 and visual signals meeting the requirements of law, or of a police vehicle properly and lawfully making use of an audible signal only, every pedestrian shall yield the right of way to the authorized emergency vehicle.

(b) This section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway nor from the duty to exercise due care to avoid colliding with any pedestrian.

§5-111. Blind pedestrian right of way.

The driver of a vehicle shall yield the right of way to any blind pedestrian carrying a clearly visible white cane or accompanied by a guide dog.

§5-112. Pedestrians under the influence of alcohol or drugs.

A pedestrian who is under the influence of alcohol or any drug to a degree which renders himself a hazard shall not walk or be upon a highway.

§5-113. Bridge and railroad signals.

(a) No pedestrian shall enter or remain upon any bridge or approach thereto beyond the bridge signal, gate, or barrier after a bridge operation signal indication has been given.

(b) No pedestrian shall pass through, around, over, or under any crossing gate or barrier at a railroad grade crossing or bridge while such gate or barrier is closed or is being opened or closed.

Part VI — Turning and Starting and Signals on Stopping and Turning

§6-101. Required position and method of turning at intersections.

The driver of a vehicle intending to turn shall do so as follows:

(a) Right turns. — Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(b) Left turns. — The driver of a vehicle intending to turn left shall approach the turn in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle. Whenever practicable the turn shall be made to the left of the center

of the intersection and so as to leave the intersection or other location in the extreme left-hand lane lawfully available to traffic moving in the same direction as such vehicle on the roadway being entered.

(c) The highway department and local authorities in their respective jurisdictions may cause official traffic-control devices to be placed and thereby require and direct that a different course from that specified in this section be traveled by turning vehicles and when such devices are so placed no driver shall turn a vehicle other than as directed and required by such devices.

§6-102. Turning on curve or crest of grade prohibited.

(a) The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction unless such movement can be made in safety and without interfering with other traffic.

(b) No vehicle shall be turned so as to proceed in the opposite direction upon any curved, or upon the approach to or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred (500) feet.

§6-103. Starting parked vehicle.

No person shall start a vehicle which is stopped, standing or parked unless and until such movement can be made with reasonable safety.

§6-104. Turning movements and required signals.

(a) No person shall turn a vehicle or move right or left upon a roadway unless and until such movement can be made with reasonable safety nor without giving an appropriate signal in the manner hereinafter provided.

(b) A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred (100) feet traveled by the vehicle before turning.

(c) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

(d) The signals provided for in §6-105(b) shall not be flashed on one side only on a disabled vehicle, flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear, nor be flashed on one side only of a parked vehicle except as may be necessary for compliance with this section.

§6-105. Signals by hand and arm or signal lamps.

(a) Any stop or turn signal when required herein shall be given either by means of the hand and arm or by signal lamps, except as otherwise provided in paragraph (b).

(b) Any motor vehicle in use on a highway shall be equipped with, and required signal shall be given by, signal lamps when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of such motor vehicle exceeds twenty-four (24) inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen (14) feet. The latter measurement shall apply to any single vehicle, also to any combination of vehicles.

§6-106. Method of giving hand and arm signals.

All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

1. Left turn. — Hand and arm extended horizontally.
2. Right turn. — Hand and arm extended upward.
3. Stop or decrease speed. — Hand and arm extended downward.

Part VII — Special Stops Required

§7-101. Obedience to signal indicating approach of train.

(a) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

1. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;
2. A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train;
3. A railroad train approaching within approximately fifteen hundred (1,500) feet of the highway crossing emits a signal audible from such distance and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard;
4. An approaching railroad train is plainly visible and is in

hazardous proximity to such crossing.

(b) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

§7-102. Certain vehicles must stop at all railroad grade crossings.

(a) Except as provided in subsection (b), the driver of any vehicle described in regulations issued pursuant to subsection (c), before crossing at grade any track or tracks of a railroad, shall stop such vehicle within 50 feet but not less than 15 feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train and shall not proceed until he can do so safely. After stopping as required herein and upon proceeding when it is safe to do so the driver of any said vehicle shall cross only in such gear of the vehicle that there will be no necessity for manually changing gears while traversing such crossing and the driver shall not manually shift gears while crossing the track or tracks. Nothing contained in this section is intended to abrogate or modify the present Alabama doctrine of "Stop, Look and Listen" obtaining in the courts of Alabama.

(b) This section shall not apply at:

1. Any railroad grade crossing at which traffic is controlled by a police officer or human flagman;
2. Any railroad grade crossing at which traffic is regulated by a traffic-control signal;
3. Any railroad grade crossing protected by crossing gates or any alternately flashing light signal intended to give warning of the approach of a railroad train;
4. Any railroad grade crossing at which an official traffic control device gives notice that the stopping requirement imposed by this section does not apply.

(c) The Highway Director shall adopt such regulations as may be necessary describing the vehicles which must comply with the stopping requirements of this section. In formulating such regulations the Highway Director shall give consideration to the number of passengers carried by the vehicle and the hazardous nature of any substance carried by the vehicle in determining whether such vehicle shall be required to stop. Such regulations shall correlate with and so far as possible conform to the most recent regulation of the United States Department of

Transportation.

§7-103. Moving heavy equipment at railroad grade crossings.

(a) No person shall operate or move any crawler-type tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating speed of ten (10) or less miles per hour or a vertical body or load clearance of less than one-half inch per foot of the distance between any two adjacent axles or in any event of less than nine (9) inches, measured above the level surface of a roadway, upon or across any tracks at a railroad grade crossing without first complying with this section.

(b) Before making any such crossing the person operating or moving any such vehicle or equipment shall first stop the same not less than fifteen (15) feet nor more than fifty (50) feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.

(c) No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or car. If a flagman is provided by the railroad, movement over the crossing shall be under his direction.

§7-105. Emerging from alley, driveway or building.

The driver of a vehicle emerging from an alley, building, private road or driveway within a business or residence district shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across such alley, building entrance, road or driveway, or in the event there is no sidewalk area, shall stop at the point nearest the street to be entered where the driver has a view of approaching traffic thereon.

§7-106. Overtaking and passing school bus or church bus.

(a) The driver of a vehicle upon meeting or overtaking from either direction any school bus which has stopped on the highway for the purpose of receiving or discharging any school children or any church bus which has stopped for the purpose of receiving or discharging passengers shall stop the vehicle before reaching such school or church bus when there is in operation on said school or church bus a visual signal as specified in §7-107 and said driver shall not proceed until such school or church bus resumes motion or is signaled by the school or church bus driver to proceed or the visual signals are no longer actuated.

(b) Every bus used for the transportation of school children shall bear upon the front and rear thereof plainly visible signs containing the words "SCHOOL BUS" in letters not less than eight inches in height, and in addition shall be equipped with visual signs meeting the requirements of §7-107 of this Act, which shall be actuated by the driver of said school bus whenever but only whenever such vehicle is stopped for the purpose of receiving or discharging school children.

(c) Every bus used for the transportation of persons to or from church shall bear upon the front and rear thereof plainly visible signs containing the words "CHURCH BUS" in letters not less than eight inches in height, and in addition may be equipped with visual signs meeting the requirements of §7-107 of this act, which shall be actuated by the driver of said church bus whenever but only whenever such vehicle is stopped for the purpose of receiving or discharging passengers.

(d) The driver of a vehicle upon a controlled-access highway with separate roadways need not stop upon meeting or passing a school or church bus which is on a different roadway or when upon a controlled-access highway and the school or church bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

§7-107. Visual signals on school and church buses.

(a) Every school bus shall, and every church bus may, in addition to any other equipment and distinctive markings required by this act, be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall be capable of displaying to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level, and these lights shall have sufficient intensity to be visible at five hundred (500) feet in normal sunlight.

(b) The alternately flashing lighting described in subsection (a) of this section shall not be used on any vehicle other than a school bus, a church bus, or an authorized emergency vehicle.

Part VIII — Speed Restrictions

§8-101. Basic Rule.

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. Consistent with the foregoing, every person shall drive at a safe and appropriate speed when approaching and crossing an intersection or railroad grade

crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions.

§8-102. Maximum limits.

Except when a special hazard exists that requires lower speed for compliance with §8-101, the limits hereinafter specified or established as hereinafter authorized shall be maximum lawful speeds, and no person shall drive a vehicle at a speed in excess of such maximum limits.

(a) No person shall operate a vehicle in excess of 30 miles per hour in any urban district.

(b) No person shall operate a passenger vehicle, a passenger bus or any motor truck having a box or express type body, of three-quarters of a ton capacity or less, commonly known as pick-ups or pick-up trucks, at a speed in excess of 55 miles per hour during the hours of daylight or 55 miles per hour during the hours of night unless a different maximum rate of speed is authorized by the Governor under authority granted in subsection (d) hereafter. For the purpose of this act daylight shall be one-half hour before sunrise to one-half hour after sunset.

(c) No person shall operate a truck with a rated capacity of more than $\frac{3}{4}$ ton at a rate of speed greater than 55 miles per hour at any time unless a different maximum rate of speed is authorized by the Governor under authority granted in subsection (d) hereafter.

(d) The Governor is hereby specifically authorized to prescribe the maximum rate of speed whenever a different rate of speed is required by federal law in order for Alabama to receive federal funds for highway maintenance and construction.

(e) The maximum speed limits set forth in this section may be altered as authorized in §§8-103 and 8-104.

§8-103. Establishment of state speed zones.

Whenever the director of public safety and the highway director, with the approval of the Governor, shall determine upon the basis of an engineering and traffic investigation that any maximum speed hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of the state highway system, said directors may determine and declare a reasonable and safe maximum limit thereat, which shall be effective when

appropriate signs giving notice thereof are erected. Such a maximum speed limit may be declared to be effective at all times or at such times as are indicated upon the said signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs.

§8-104. When local authorities may and shall alter maximum limits.

(a) Whenever local authorities in their respective jurisdictions determine on the basis of an engineering and traffic investigation that the maximum speed permitted under this article is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the local authority may determine and declare a reasonable and safe maximum limit thereon which:

1. Decreases the limit at intersections; or
2. Increases the limit within an urban district but not to more than the maximum rate of speed that may be prescribed by the governor under §8-102(d).

(b) Local authorities in their respective jurisdictions shall determine by an engineering and traffic investigation the proper maximum speed for all arterial streets and shall declare a reasonable and safe maximum limit thereon which may be greater or less than the maximum speed permitted under this act for an urban district.

(c) Any altered limit established as hereinabove authorized shall be effective at all times or during hours of darkness or at other times as may be determined when appropriate signs giving notice thereof are erected upon such street or highway.

(d) Any alteration of maximum limits on state highways or extensions thereof in a municipality by local authorities shall not be effective until such alteration has been approved by the highway department.

(e) Not more than six such alterations as hereinabove authorized shall be made per mile along a street or highway, except in the case of reduced limits at intersections, and the difference between adjacent limits shall not be more than ten (10) miles per hour.

§8-105. Minimum speed regulation.

(a) No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.

(b) Whenever the director of public safety and the highway director, with the approval of the governor, or local authorities within their respective jurisdictions determine on the basis of an engineering and traffic investigation that slow speeds on any highway or part of a highway consistently impede the normal and reasonable movement of traffic, the said directors or such local authority may determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law, and that limit shall be effective when posted upon appropriate fixed or variable signs.

§8-106. Special speed limitation on motor-driven cycles.

No person shall operate any motor-driven cycle at any time from a half hour after sunset to a half hour before sunrise nor at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of one thousand (1,000) feet ahead at a speed greater than thirty-five (35) miles per hour unless such motor-driven cycle is equipped with a head lamp or lamps which are adequate to reveal a person or vehicle at a distance of three hundred (300) feet ahead.

§8-107. Special speed limitations.

(a) No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to such bridge or structure, when such structure is signposted as provided in this section.

(b) The highway department and local authorities on highways under their respective jurisdictions may conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and if it shall thereupon find that such structure cannot with safety to itself withstand vehicles traveling at the speed otherwise permissible under this chapter, the highway department or local authority shall determine and declare the maximum speed of vehicles which such structure can safely withstand, and shall cause or permit suitable signs stating such maximum speed to be erected and maintained before each end of such structure.

(c) Upon the trial of any person charged with a violation of

this section, proof of said determination of the maximum speed by said highway department and the existence of said signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety to such bridge or structure.

§8-108. Charging violations and rule in civil actions.

(a) In every charge of violation of any speed regulation in this Part VIII the complaint, also the summons or notice to appear, shall specify the speed at which the defendant is alleged to have driven, also the maximum speed applicable within the district or at the location.

(b) The provisions of this article declaring maximum speed limitations shall not be construed to relieve the plaintiff in any action from the burden of proving negligence on the part of the defendant as the proximate cause of an accident.

§8-109. Racing on highways.

(a) No person shall drive any vehicle on any highway in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making a speed record, and no person shall in any manner participate in any such race, competition, contest, test or exhibition.

(b) Drag race is defined as the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other, or the operation of one or more vehicles over a common selected course, from the same point to the same point, for the purpose of comparing the relative speeds or power of acceleration of such vehicle or vehicles within a certain distance or time limit.

(c) Racing is defined as the use of one or more vehicles in an attempt to outgain, outdistance, or prevent another vehicle from passing, to arrive at a given destination ahead of another vehicle or vehicles, or to test the physical stamina or endurance of drivers over long distance driving routes.

(d) Every person convicted of racing on highways shall be punished upon a first conviction by imprisonment for a period of not less than five (5) days nor more than ninety (90) days, or by fine of not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500), or by both such fine and imprisonment, and on a second or subsequent conviction shall be punished by imprisonment for not less than ten (10) days nor more than six (6) months, or by a fine of not less than fifty dollars (\$50) nor more than

five hundred dollars (\$500), or by both such fine and imprisonment, and the court may prohibit the person so convicted from driving a motor vehicle on the public highways of this state for a period not exceeding six months, and the license of the person shall be suspended for such period by the director of public safety pursuant to §9-106 of this act.

Part IX — Serious Traffic Offenses

§9-101. Reckless driving.

(a) Any person who drives any vehicle carelessly and heedlessly in willful or wanton disregard for the rights or safety of persons or property, or without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property, shall be guilty of reckless driving.

(b) Every person convicted of reckless driving shall be punished upon a first conviction by imprisonment for a period of not less than five (5) days nor more than ninety (90) days, or by fine of not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500), or by both such fine and imprisonment, and on a second or subsequent conviction shall be punished by imprisonment for not less than ten (10) days nor more than six (6) months, or by a fine of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500), or by both such fine and imprisonment, and the court may prohibit the person so convicted from driving a motor vehicle on the public highways of this state for a period not exceeding six months, and the license of the person shall be suspended for such period by the director of public safety pursuant to §9-106 of this act.

(c) Neither reckless driving nor any other moving violation under this code is a lesser included offense under a charge of driving while under the influence of alcohol or drugs.

§9-102. Driving while under the influence of alcohol or controlled substances.

(a) A person shall not drive or be in actual physical control of any vehicle while:

1. There is 0.10 per cent or more by weight of alcohol in his blood;
2. Under the influence of alcohol;
3. Under the influence of a controlled substance to a degree which renders him incapable of safely driving; or

4. Under the combined influence of alcohol and a controlled substance to a degree which renders him incapable of safely driving.

(b) The fact that any person charged with violating this section is or has been legally entitled to use alcohol or a controlled substance shall not constitute a defense against any charge of violating this section.

(c) Upon first conviction, a person violating this section shall be punished by imprisonment in the county or municipal jail for not more than one year, or by fine of not less than one hundred dollars (\$100) nor more than one thousand (\$1,000), or by both such fine and imprisonment. In addition, on a first conviction, the court trying the cause may prohibit the person so convicted from driving a motor vehicle upon the highways of this state for a period of not more than six months. First time offenders convicted of driving while under the influence of alcohol shall also be required to complete a DUI court referral program approved by the State Administrative Office of Courts. Neither reckless driving nor any other traffic infraction is a lesser included offense under a charge of driving while under the influence of alcohol or controlled substances.

(d) On a second or subsequent conviction within a five-year period, the person convicted of violating this section shall be punished by a fine of not less than two hundred dollars (\$200) nor more than fifteen hundred dollars (\$1,500) or by imprisonment in the county or municipal jail for not more than one year, or by both such fine and imprisonment. In addition, the director of public safety shall revoke the driving privilege or driver's license of the person so convicted for a period of six months.

(e) All fines collected for violation of this section resulting from arrests by state officers shall be paid into the state general fund; all fines so collected for violations resulting from arrests by county or municipal officers shall be disbursed as is otherwise provided for by law.

§9-103. Chemical tests.

(a) Upon the trial of any civil, criminal, or quasi-criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual control of a vehicle while under the influence of alcohol or controlled substance, evidence of the amount of alcohol or controlled substance in a person's blood at the alleged time, as determined by a chemical analysis of the person's blood, urine, breath or other bodily

substance, shall be admissible. Where such a chemical test is made the following provisions shall apply:

1. Chemical analyses of the person's blood, urine, breath or other bodily substance to be considered valid under the provisions of this section shall have been performed according to methods approved by the State Board of Health and by an individual possessing a valid permit issued by the State Board of Health for this purpose. The State Board of Health is authorized to approve satisfactory techniques or methods, to ascertain the qualifications and competence of individuals to conduct such analyses, and to issue permits which shall be subject to termination or revocation at the discretion of the State Board of Health. The State Board of Health shall not approve the permit required in this section for making tests for any law-enforcement officer other than a member of the state highway patrol, a sheriff or his deputies, a city policeman or laboratory personnel employed by the State Department of Toxicology and Criminal Investigation.

2. When a person shall submit to a blood test at the direction of a law enforcement officer under the provisions of Alabama Code tit. 32-5-192, only a physician or a registered nurse (or other qualified person) may withdraw blood for the purpose of determining the alcoholic content therein. This limitation shall not apply to the taking of breath or urine specimens. If the test given under Alabama Code tit. 32-5-192 is a chemical test of urine, the person tested shall be given such privacy in the taking of the urine specimen as will insure the accuracy of the specimen and, at the same time, maintain the dignity of the individual involved.

3. The person tested may at his own expense have a physician, or a qualified technician, registered nurse, or other qualified person of his own choosing administer a chemical test or tests in addition to any administered at the discretion of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer.

4. Upon the written request of the person who shall submit to a chemical test or tests at the request of a law enforcement officer, full information concerning the test or tests shall be made available to him or his attorney.

5. Per cent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred (100) cubic centimeters of blood.

(b) Upon the trial of any civil, criminal, or quasi-criminal

action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of a vehicle while under the influence of alcohol, the amount of alcohol in the person's blood at the time alleged as shown by chemical analysis of the person's blood, urine, breath, or other bodily substance shall give rise to the following presumptions:

1. If there were at that time 0.05 per cent or less by weight of alcohol in the person's blood, it shall be presumed that the person was not under the influence of alcohol.

2. If there were at that time in excess of 0.05 per cent but less than 0.10 per cent by weight of alcohol in the person's blood, such fact shall not give rise to any presumption that the person was or was not under the influence of alcohol, but such fact may be considered with other competent evidence in determining whether the person was under the influence of alcohol.

3. If there were at that time 0.10 per cent or more by weight of alcohol in the person's blood, it shall be presumed that the person was under the influence of alcohol.

4. The foregoing provisions of this subsection shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was under the influence of alcohol.

(c) If a person under arrest refuses to submit to a chemical test under the provisions of Alabama Code tit. 32-5-192 evidence of refusal shall be admissible in any civil, criminal, or quasi-criminal action or proceeding arising out of acts alleged to have been committed while the person was driving or in actual physical control of a motor vehicle while under the influence of alcohol or controlled substance.

(d) No physician, registered nurse or duly licensed chemical laboratory technologist or clinical laboratory technician or medical facility shall incur any civil or criminal liability as a result of the proper administering of a blood test when requested in writing by a law-enforcement officer to administer such a test.

§9-106. Cancellation, suspension or revocation of licenses.

(a) The director of public safety is hereby authorized to cancel any driver's license upon determining that the licensee was not entitled to the issuance thereof hereunder or that said licensee failed to give the correct or required information in his application. Upon such cancellation the licensee must surrender the license so cancelled. If such licensee refuses to surrender such license, he shall

be guilty of a misdemeanor.

(b) The privilege of driving a motor vehicle on the highways of this state given to a non-resident hereunder shall be subject to suspension or revocation by the director of public safety in like manner and for like cause as a driver's license issued hereunder may be suspended or revoked.

(c) The director of public safety is further authorized, upon receiving a record of the conviction in this state of a non-resident driver of a motor vehicle of any offense, to forward a certified copy of such record to the motor vehicle administrator in the state wherein the person so convicted is a resident.

(d) When a non-resident's operating privilege is suspended or revoked, the director of public safety shall forward a certified copy of the record of such action to the motor vehicle administrator in the state wherein such person resides.

(e) The director of public safety is authorized to suspend or revoke the license of any resident of this state or the privilege of a non-resident to drive a motor vehicle in this state upon receiving notice of the conviction of such person in another state of any offense therein which, if committed in this state, would be grounds for the suspension or revocation of the license of a driver.

(f) The director of public safety may give such effect to conduct of a resident in another state as is provided by the laws of this state had such conduct occurred in this state.

(g) Whenever any person is convicted of any offense for which this Act makes mandatory the revocation of the license of such person by the department, the court in which such conviction is had shall require the surrender to it of any driver's license then held by the person convicted and the court shall thereupon forward the same together with a record of such conviction to the director of public safety.

(h) Every court having jurisdiction over offenses committed under this article or any other law of this state or municipal ordinance adopted by a local authority regulating the operation of motor vehicles on highways, shall forward to the director of public safety within ten (10) days a record of the conviction of any person in said court for a violation of any said laws other than regulations governing standing or parking, and may recommend the suspension of the driver's license of the person so convicted.

(i) For the purposes of this article the term "conviction" shall mean a final conviction. Also, for the purposes of this article an

unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, a plea of *nolo contendere* accepted by the court, the payment of a fine, a plea of guilty or a finding of guilt of a traffic violation charge, shall be equivalent to a conviction regardless of whether the penalty is rebated, suspended or probated.

(j) The director of public safety shall forthwith revoke the license of any driver upon receiving a record of such driver's conviction of any of the following offenses:

1. Manslaughter or homicide by vehicle resulting from the operation of a motor vehicle;

2. Driving or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor, provided, however, that on a first conviction such revocation shall take place only when ordered by the court rendering such conviction;

3. Driving a motor vehicle while an habitual user or under the influence of controlled substance to a degree which renders him incapable of safely driving a motor vehicle;

4. Any felony in the commission of which a motor vehicle is used;

5. Failure to stop, render aid, or identify himself as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another;

6. Perjury or the making of a false affidavit or statement under oath to the director of public safety under this article or under any other law relating to the ownership or operation of motor vehicles;

7. Conviction upon three charges of reckless driving committed within a period of twelve months;

8. Unauthorized use of a motor vehicle belonging to another which act does not amount to a felony.

(k) The director of public safety is hereby authorized to suspend the license of a driver without preliminary hearing upon a showing by its records or other sufficient evidence that the licensee:

1. Has committed an offense for which mandatory revocation of license is required upon conviction;

2. Has been convicted with such frequency of serious offenses against traffic regulations governing the movement of vehicles as to indicate a disrespect for traffic laws and a disregard for the safety of other persons on the highways;

3. Is an habitually reckless or negligent driver of a motor vehicle, such fact being established by a record of accidents, or by other evidence;

4. Is incompetent to drive a motor vehicle;

5. Has permitted an unlawful or fraudulent use of such license;

6. Has committed an offense in another state which if committed in this state would be grounds for suspension or revocation;

7. Has been convicted of fleeing or attempting to elude a police officer; or

8. Has been convicted of racing on the highways.

(l) Upon suspending the license of any person as hereinbefore in this section authorized, the director of public safety shall immediately notify the licensee in writing and upon his request shall afford him an opportunity for a hearing as early as practicable, not to exceed thirty days after receipt of such request in the county wherein the licensee resides unless the director of public safety and the licensee agree that such hearing may be held in some other county. Such hearing shall be before the director of public safety or his duly authorized agent. Upon such hearing the director of public safety or his duly authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses in the production of relevant books and papers and may require a reexamination of the licensee. Upon such hearing the director of public safety or his duly authorized agent shall either rescind its order of suspension or, good cause appearing therefor, may continue, modify or extend the suspension of such licensee or revoke such license. If the license has been suspended as a result of the licensee's driving while under the influence of alcohol, the director or his agent conducting the hearing shall take into account, among other relevant factors, the licensee's successful completion of any duly established "Highway Intoxication Seminar", "DWI Counterattack Course" or similar educational program designed for problem drinking drivers. If the hearing is conducted by a duly authorized agent instead of by the director of public safety himself, the action of such agent must be approved by the director of public safety.

(m) The director of public safety shall not suspend a driver's license or privilege to drive a motor vehicle upon the public highways for a period of more than one year, except as permitted under §32-6-19, Alabama Code.

(n) At the end of the period of suspension a license surrendered to the director of public safety under paragraph (o) shall be returned to the licensee.

(o) The director of public safety upon cancelling, suspending or revoking a license shall require that such license be surrendered to and be retained by the director of public safety. Any person whose license has been cancelled, suspended or revoked shall immediately return his license to the director of public safety. If such licensee refuses to surrender such license, he shall be guilty of a misdemeanor.

(p) Any resident or nonresident whose driver's license or privilege to operate a motor vehicle in this state has been suspended or revoked as provided in this section shall not operate a motor vehicle in this state under a license or permit issued by any other jurisdiction or otherwise during such suspension or after such revocation until a new license is obtained when and as permitted under this article.

(q) Any person denied a license or whose license has been cancelled, suspended or revoked by the director of public safety except where such cancellation or revocation is mandatory under the provision of this article shall have the right to file a petition within thirty days thereafter for a hearing in the matter in the district court, circuit court or court of like jurisdiction in the county wherein such person resides, or in the case of cancellation, suspension or revocation of a nonresident's operating privilege in the county in which the main office of the director of public safety is located, and such court is hereby vested with jurisdiction and it shall be its duty to set the matter for hearing upon thirty days' written notice to the director of public safety, and thereupon to take testimony and examine into the facts of the case and to determine whether the petitioner is entitled to a license or is subject to suspension, cancellation or revocation of license under the provisions of this section.

§9-107. Homicide by vehicle.

(a) Whoever shall unlawfully and unintentionally cause the death of another person while engaged in the violation of any state law or municipal ordinance applying to the operation or use of a vehicle or to the regulation of traffic shall be guilty of homicide when such violation is the proximate cause of said death.

(b) Any person convicted of homicide by vehicle shall be fined not less than five hundred dollars (\$500) nor more than two thousand dollars (\$2,000), or shall be imprisoned in the county jail

not less than three months nor more than one year, or may be so fined and so imprisoned, or shall be imprisoned in the penitentiary for a term not less than one year nor more than five years.

§9-108. Fleeing or attempting to elude a police officer.

(a) Any driver of a motor vehicle who willfully fails or refuses to bring his vehicle to a stop, or who otherwise flees or attempts to elude a pursuing police vehicle, when given visual or audible signal to bring the vehicle to a stop, shall be guilty of a misdemeanor. The signal given by the police officer may be by hand, voice, emergency light or siren.

(b) Every person convicted of fleeing or attempting to elude a police officer shall be punished by imprisonment for not less than thirty (30) days nor more than six months or by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), or by both such fine and imprisonment.

Part X — Stopping, Standing and Parking

§10-101. Stopping, standing or parking outside of business or residence districts.

(a) Outside a business or residence district no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the roadway when it is practicable to stop, park or so leave such vehicle off the roadway, but in every event an unobstructed width of the highway opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicle shall be available from a distance of two hundred (200) feet in each direction upon such highway.

(b) This section, §10-103 and §10-104 shall not apply to the driver of any vehicle which is disabled while on the paved or main-traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position.

And the provisions of this section, §10-103 and §10-104 shall not apply to any vehicle nor to the driver of any vehicle engaged in the business of carrying passengers for hire and operating over a fixed route and between regular termini operating under the authority of the interstate commerce commission of the United States or under authority of the Alabama public service commission or any federal, state, or municipal authority while stopped on the right-hand side of the highway to pick up or discharge passengers nor to any vehicle nor to the driver thereof engaged in the official delivery of the United States mail when stopped on the right-hand side of the

highway for the purpose of picking up or delivering mail, if a clear view of the vehicle may be obtained from a distance of three hundred feet in each direction upon such highway. Nothing herein shall be construed to exempt any vehicle from the provisions of Alabama Code 32-5-244 and said provisions shall remain applicable to vehicles transporting the United States mail, anything in the section to the contrary notwithstanding.

§10-102. Officers authorized to remove vehicles.

(a) Whenever any police officer finds a vehicle standing upon a highway in violation of any of the provisions of §10-101 such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or main-traveled part of such highway.

(b) Any police officer is hereby authorized to remove or cause to be removed to a place of safety any unattended vehicle illegally left standing upon any highway, bridge, causeway, or in any tunnel, in such position or under such circumstances as to obstruct the normal movement of traffic.

(c) Any police officer is hereby authorized to remove or cause to be removed to the nearest garage or other place of safety any vehicle found upon a highway when:

1. Report has been made that such vehicle has been stolen or taken without the consent of its owner, or
2. The person or persons in charge of such vehicle are unable to provide for its custody or removal, or
3. When the person driving or in control of such vehicle is arrested for an alleged offense for which the officer is required by law to take the person arrested before a proper magistrate without unnecessary delay.
4. When a vehicle has been left unattended for twenty-four hours or more on or adjacent to any public highway and it is determined by the police officer that the vehicle constitutes a hazard to traffic upon the highway.

§10-103. Stopping, standing or parking prohibited in specified places.

(a) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic-control device, no person shall:

1. Stop, stand or park a vehicle:

(i) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

(ii) On a sidewalk;

(iii) Within an intersection;

(iv) On a crosswalk;

(v) Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;

(vi) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;

(vii) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

(viii) On any railroad tracks;

(ix) At any place where official signs prohibit stopping.

2. Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

(i) In front of a public or private driveway;

(ii) Within fifteen (15) feet of a fire hydrant;

(iii) Within twenty (20) feet of a crosswalk at an intersection;

(iv) Within thirty (30) feet upon the approach of any flashing signal, stop sign, yield sign or traffic-control signal located at the side of a roadway;

(v) Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance (when properly signposted);

(vi) At any place where official signs prohibit standing.

3. Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers:

(i) Within fifty (50) feet of the nearest rail or a railroad crossing;

(ii) At any place where official signs prohibit parking.

(b) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such a distance as is unlawful.

§10-104. Additional parking regulations.

(a) Except as otherwise provided in this section, every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within eighteen (18) inches of the right-hand curb or edge of the roadway.

(b) Except when otherwise provided by local ordinance, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of the authorized traffic movement, with its right-hand wheels within eighteen (18) inches of the right-hand curb or edge of the roadway, or its left-hand wheels within eighteen (18) inches of the left-hand curb or edge of the roadway.

(c) Local authorities may by ordinance permit angle parking on any roadway, except that angle parking shall not be permitted on any federal-aid or state highway unless the highway department has determined by regulation that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

(d) The highway department with respect to highways under its jurisdiction may place signs prohibiting or restricting the stopping, standing or parking of vehicles on any highway where in its opinion, as evidenced by regulation, such stopping, standing or parking is dangerous to those using the highway or where the stopping, standing or parking of vehicles would unduly interfere with the free movement of traffic thereon. Such signs shall be official signs and no person shall stop, stand or park any vehicle in violation of the restrictions stated on such signs.

Part XI — Miscellaneous Rules

§11-101. Unattended motor vehicle.

No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition, effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the highway.

§11-102. Limitations on backing.

(a) The driver of a vehicle shall not back the same unless such movement can be made with safety and without interfering with

other traffic.

(b) The driver of a vehicle shall not back the same upon any shoulder or roadway of any controlled-access highway.

§11-103. Driving upon sidewalk.

No person shall drive any vehicle upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway.

§11-104. Obstruction to driver's view or driving mechanism.

(a) No person shall drive a vehicle when it is loaded, or when there are in the front seat such a number of persons as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

(b) No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle.

§11-105. Opening and closing vehicle doors.

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

§11-106. Riding in house trailers.

No person or persons shall occupy a house trailer while it is being moved upon a public highway.

§11-107. Driving on mountain highways.

The driver of a motor vehicle traveling through defiles or canyons or on mountain highways shall hold such motor vehicle under control and as near the right-hand edge of the roadway as reasonably possible and, except when driving entirely to the right of the center of the roadway, shall give audible warning with the horn of such motor vehicle upon approaching any curve where the view is obstructed within a distance of two hundred (200) feet along the highway.

§11-108. Coasting prohibited.

(a) The driver of any motor vehicle when traveling upon a down grade shall not coast with the gears or transmission of such

vehicle in neutral or the clutch disengaged.

(b) The driver of a truck or bus when traveling upon a down grade shall not coast with the clutch disengaged.

§11-109. Following fire apparatus prohibited.

The driver of any vehicle other than one on official business shall not follow any authorized emergency vehicle traveling in response to an emergency call closer than five hundred (500) feet or stop such vehicle within five hundred (500) feet of any authorized emergency vehicle stopped in answer to an emergency call.

§11-110. Crossing fire hose.

No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, private road or driveway to be used at any fire or alarm of fire, without the consent of the fire department official or police officer in command.

§11-111. Putting glass, etc., on highway prohibited.

(a) No person shall throw or deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans or any other substance likely to injure any person, animal or vehicle upon such highway.

(b) Any person who drops, or permits to be dropped or thrown, upon any highway any destructive or injurious material shall immediately remove the same or cause it to be removed.

(c) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

§11-112. Stop when traffic obstructed.

No driver shall enter an intersection or a marked crosswalk or drive onto any railroad grade crossing unless there is sufficient space on the other side of the intersection, crosswalk or railroad grade crossing to accommodate the vehicle he is operating without obstructing the passage of other vehicles, pedestrians or railroad trains notwithstanding any traffic-control signal indication to proceed.

§11-113. Snowmobile operation limited.

(a) No person shall operate a snowmobile on any controlled-access highway.

(b) No person shall operate a snowmobile on any other highway except when crossing the highway at a right angle, when use of the highway by other motor vehicles is impossible because of

snow, or when such operation is authorized by the authority having jurisdiction over the highway.

Part XII — Operation of Bicycles and Play Vehicles

§12-101. Effect of regulations.

(a) It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this part.

(b) The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this act.

(c) These regulations applicable to bicycles shall apply whenever a bicycle is operated upon a highway or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated herein.

§12-102. Traffic laws apply to person riding bicycles.

Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this act, except as to special regulations in this part and except as to those provisions of this act which by their nature can have no application.

§12-103. Riding on bicycles.

(a) A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.

(b) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

§12-104. Clinging to vehicles.

No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

§12-105. Riding on roadways and bicycle paths.

(a) Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(b) Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

(c) Wherever a usable path for bicycles has been provided

adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

§12-106. Carrying articles.

No person operating a bicycle shall carry any package, bundle or article which prevents the driver from keeping at least one hand upon the handlebars.

§12-107. Lamps and other equipment on bicycles.

(a) Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred (500) feet to the front and with a red reflector on the rear of a type approved by the department which shall be visible from all distances from one hundred (100) feet to six hundred (600) feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred (500) feet to the rear may be used in addition to the red reflector.

(b) Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

Part XIII — Special Rules for Motorcycles.

§13-101. Traffic laws apply to persons operating motorcycles.

Every person operating a motorcycle shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of any other vehicle under this Act, except as to special regulations in this article and except as to those provisions of this Act which by their nature can have no application.

§13-102. Riding on motorcycles.

(a) A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the motorcycle at the rear or side of the operator.

(b) A person shall ride upon a motorcycle only while sitting astride the seat, facing forward, with one leg on each side of the motorcycle.

(c) No person shall operate a motorcycle while carrying any

package, bundle, or other article which prevents him from keeping both hands on the handlebars.

(d) No operator shall carry any person, nor shall any person ride, in a position that will interfere with the operation or control of the motorcycle or the view of the operator.

§13-103. Operating motorcycles on roadways laned for traffic.

(a) All motorcycles are entitled to full use of a lane and no motor vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a lane. This subsection shall not apply to motorcycles operated two abreast in a single lane.

(b) The operator of a motorcycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.

(c) No person shall operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles.

(d) Motorcycles shall not be operated more than two abreast in a single lane.

(e) Subsections (b) and (c) shall not apply to police officers in the performance of their official duties.

§13-104. Clinging to other vehicles.

No person riding upon a motorcycle shall attach himself or the motorcycle to any other vehicle on a roadway.

§13-105. Footrests and handlebars.

(a) Any motorcycle carrying a passenger, other than in a sidecar or enclosed cab, shall be equipped with footrests for such passenger.

(b) No person shall operate any motorcycle with handlebars more than fifteen (15) inches in height above that portion of the seat occupied by the operator.

§13-106. Equipment for motorcycle riders.

(a) No person shall operate or ride upon a motorcycle or motor-driven cycle unless he is wearing protective headgear which complies with standards established by §32-12-41.

(b) No person shall operate or ride upon a motorcycle or motor-driven cycle unless he is wearing shoes.

(c) This section shall not apply to persons riding within an enclosed cab.

(d) The director of public safety is hereby authorized to approve or disapprove protective headgear, and to issue and enforce regulations establishing standards and specifications for the approval thereof. The director of public safety shall publish lists of all protective headgear which have been approved by him.

(e) No person shall knowingly permit or allow any juvenile for whom he or she is a parent or guardian to operate or ride upon a motorcycle or motor-driven cycle while not wearing a protective helmet of the kind authorized by §32-12-41.

(f) No person shall knowingly permit or allow any juvenile for whom he or she is a parent or guardian to operate or ride upon a motorcycle or motor-driven cycle while not wearing shoes.

(g) No manufacturer, retailer, or other person shall sell or offer for sale motorcycle helmets that fail to comply with the standards established by the director of public safety pursuant to this section.

Part XIV — Penalties and Disposition of Fines and Forfeitures

§14-101. Penalties for misdemeanor.

(a) It is a misdemeanor for any person to violate any of the provisions of this act or of title 32, Alabama Code unless such violation is by this act or other law of this state declared to be a felony.

(b) Every person convicted of a misdemeanor for a violation of any of the provisions of this act for which another penalty is not provided, shall for a first conviction thereof be punished by a fine of not more than one hundred dollars (\$100) or by imprisonment for not more than ten (10) days; for conviction of a second offense committed within one year after the date of the first offense, such person shall be punished by a fine of not more than two hundred dollars (\$200) or by imprisonment for not more than thirty (30) days or by both such fine and imprisonment; for conviction of a third or subsequent offense committed within one year after the date of the first offense, such person shall be punished by a fine of not more than five hundred dollars (\$500) or by imprisonment for not more than three (3) months or by both such fine and imprisonment.

§14-102. Penalty for felony.

Any person who is convicted of a violation of any of the provisions of this Act herein or by the laws of this state declared to constitute a felony shall be punished by imprisonment for not less than one year nor more than ten (10) years, or by a fine of not more than five thousand dollars (\$5,000), or by both such fine and

imprisonment.

§14-103. Disposition of fines and forfeitures.

(a) All fines and forfeitures collected upon conviction or upon forfeiture of bail of any person charged with a violation of any of the provisions of this Act constituting a misdemeanor shall be, within thirty days after such fine or forfeiture is collected, distributed as provided in Act 1205, Regular Session, 1975, Alabama Legislature.

(b) Failure, refusal or neglect on the part of any judicial or other officer or employee receiving or having custody of any such fine or forfeiture to comply with the foregoing provisions of this section shall constitute misconduct in office and shall be grounds for removal therefrom.

Part XV — Effect of and Short Title of Act

§15-101. Uniformity of Interpretation.

This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of various jurisdictions.

§15-102. Effect of headings.

Part and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any part or section hereof.

§15-103. Short Title.

This act may be cited as The Alabama Rules of the Road Act.

§15-104. Act not retroactive.

This act shall not have a retroactive effect and shall not apply to any traffic accident, to any cause of action arising out of a traffic accident or judgment arising therefrom, or to any violation of the motor vehicle laws of this state, occurring prior to the effective date of this Act.

§15-105. Constitutionality.

If any part or parts of this Act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this Act. The legislature hereby declares that it would have passed the remaining parts of this Act if it had known that such part or parts thereof would be declared unconstitutional.

§15-106. Specific Repealer.

The following sections and all other sections and parts of sections in the Code of Alabama 1975 inconsistent herewith are hereby repealed. Sections 32-1-1, 32-5-6, 32-5-7, 32-5-10, 32-5-15, 32-5-30, 32-5-32 through 32-5-37, 32-5-50, 32-5-52, 32-5-53, 32-5-55 through 32-5-63, 32-5-66 through 32-5-71, 32-5-90, 32-5-91, 32-5-94, 32-5-95, 32-5-96, 32-5-110, 32-5-111, 32-5-112, 32-5-114, 32-5-115, 32-5-130 through 32-5-135, 32-5-150, 32-5-151, 32-5-153, 32-5-154, 32-5-170, 32-5-193, 32-5-270 through 32-5-276, 32-5-290 through 32-5-296, 32-5-311, 32-5-314, 32-5-315, 32-6-16, 32-12-1, 32-12-21, 32-12-23, 32-12-25, 32-12-40, 32-12-43; inclusive.

§15-107. Laws Not Repealed.

The provisions of this Act are cumulative and shall not be construed to repeal or supersede any laws not inconsistent herewith.

Without limitation of the generality of the preceding sentence of this section, this Act shall not repeal or supersede: Sections 32-5-8, 32-5-9, 32-5-11, 32-5-12, 32-5-13, 32-5-14, 32-5-16, 32-5-31, 32-5-51, 32-5-54, 32-5-64, 32-5-65, 32-5-72, 32-5-74, 32-5-75, 32-5-76, 32-5-93, 32-5-97, 32-5-113, 32-5-152, 32-5-171, 32-5-190, 32-5-191, 32-5-192, 32-5-194, 32-5-210 through 32-5-253, 32-5-310, 32-5-312, 32-5-313, 32-5-316, but nothing contained in this sentence shall be construed as implying that any law not specifically listed herein is or is not repealed or superseded by this Act.

§15-108. Time of Taking Effect.

This Act shall take effect at 12:01 a.m. on the 90th day after its passage and approval thereof by the Governor or at 12:01 a.m. on the 90th day after its otherwise becoming law as provided in Article 5, Section 125 of the Constitution of Alabama of 1901.

Approved May 19, 1980

Time: 5:00 P.M.

Act No. 80-435

S. 188—Vacca

AN ACT

To amend Section 8-8-5, Code of Alabama 1975, which relates to certain loans to which the usury laws do not apply, so as to alter the minimum principal balance of such loans.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 8-8-5, Code of Alabama 1975, is hereby

amended to read as follows:

“§8-8-5.

“(a) Any person or persons, corporation not organized for profit, general partnership or partnerships, limited partnership or partnerships, or association whether organized for profit or nonprofit, may agree to pay such rate or rates of interest for the loan or forbearance of money and for any credit sales as such person, corporation not organized for profit, general partnership, limited partnership or association, whether organized for profit or nonprofit, may determine, notwithstanding any law of this state otherwise prescribing or limiting such rate or rates of interest; provided, that the original principal balance of the loan or forbearance of money or credit sales is not less than \$5,000.

“(b) As to any such loan or forbearance of money or credit sales made in compliance with subsection (a) of this section, neither such person, corporation not organized for profit, general partnership, limited partnership, association, whether organized for profit or nonprofit, nor their heirs, successors or assigns, nor any surety, guarantor, endorser or any other person, firm, partnership, association or corporation which may become liable, in whole or part, for the payment of the debt and interest agreed to be paid thereon in accordance with the terms hereof, or any extension, amendment or renewal thereof, may raise or claim the defense or benefit of the usury laws or any other law prescribing, regulating or limiting such rate or rates of interest.

“(c) This section shall not apply to any agreement involving the loan or forbearance of money or credit sales where the original principal balance is less than \$5,000.”

“(d) The provisions of this act are cumulative to and not in derogation of rights under other provisions of state or federal law and shall not in any way repeal, amend or modify the provisions of Public Law 92-221 enacted by the Congress of the United States and approved March 31, 1980.”

“(e) The provisions of this act as effect loans of \$25,000 or less shall become null and void on December 31, 1981 and shall have no force and effect, unless such provisions are continued by act of the legislature.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 19, 1980

Time: 5:00 P.M.

Act No. 80-436

S. 246—Miller

AN ACT

To amend Section 40-12-250, Code of Alabama 1975, which provides for special license plates for motor vehicles owned and used by the state, county or municipality, so as to change the lettering on vehicles owned by municipal corporations or municipal boards.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-12-250, Code of Alabama 1975, is hereby amended to read as follows:

“Section 40-12-250. Motor trucks, semitrailer trucks or motor vehicles owned and used by the state, counties or any municipalities of this state shall not be liable for the payment of license taxes levied, but shall carry tags. The purchasing agent or other office of the state, county or municipality shall apply to the state department of revenue giving the make, type, model, motor number and serial number or vehicle identification number in lieu of the motor and the serial numbers of the vehicle or vehicles owned and used by the state, county or municipality, together with such other information as the state department of revenue shall require, which information shall be furnished under oath by such officer. If upon examination the same appears regular to the state department of revenue, it shall issue to such purchasing officer or other official, to be placed on such motor vehicles, the necessary number of tags, and such tags shall be used on no other vehicle than that for which issued. State tags shall have the letter ‘S’ stamped thereon, county tags shall have the word ‘county’ and the proper numbers, and the municipal tags shall have the word ‘municipal’ and the proper number stamped thereon. Tags on any vehicle owned by a municipal corporation or a municipal board shall have ‘PUD’ (public utility department) and the proper number stamped thereon. All replacement tags issued for such vehicles shall be similarly stamped or marked. For issuance of such tags and to cover the expense of preparing same, there shall be paid the sum of \$1.00. Such motor vehicle shall be used exclusively in the governmental or corporate functions of the state, county or municipality to which issued.

“Any person who operates a motor vehicle owned or used by the state or any county or municipality thereof with an improper tag or without a proper tag thereon shall be guilty of a misdemeanor and, upon conviction, shall be punished as prescribed by law.”

Section 2. This act shall become effective October 1, 1980.

Approved May 19, 1980

Time: 5:00 P.M.

Act No. 80-437

S. 346—McDonald and Goodwin

AN ACT

To amend sections 41-10-20 and 41-10-26 of the Code of Alabama 1975, relating to industrial development authorities, so as to authorize airport authorities organized pursuant to Chapter 3 of Title 4 of the Code of Alabama 1975 to be eligible recipients of funds and assistance from the state industrial development authority.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 41-10-20 of the Code of Alabama 1975 is hereby amended to read as follows:

“§41-10-20. When used in this article, the following terms shall have the following meanings, respectively, unless the context clearly indicates otherwise:

“(1) **AUTHORITY.** The public corporation organized pursuant to the provisions of this article.

“(2) **BOARD OF DIRECTORS.** The board of directors of the authority.

“(3) **BONDS.** The bonds issued under the provisions of this article.

“(4) **GRANTEE.** A county, municipality or local industrial development board organized as a public corporation in this state, or an airport authority organized as a public corporation in this state pursuant to Chapter 3 of Title 4 of the Code of Alabama 1975, to which a grant of money is made as provided in section 41-10-26.

“(5) **INDUSTRIAL SITES.** Land owned by a grantee or potential grantee on which industrial facilities have been or will be constructed for sale or lease to an individual, private association or private corporation.

“(6) **NOMINAL TRANSFEREE.** Any person to whom a grantee transfers one or more industrial sites or any part of any thereof for less than fair market value and any person who derives title to such industrial sites or any part of any thereof through such a transferee.

“(7) **PERSON.** Unless limited to a natural person by the context in which it is used, such term includes a private firm, a private association, a public or private corporation, a municipality, a county or an agency, department or instrumentality of the state or of a county or municipality.

“(8) **PREPARATION OF INDUSTRIAL SITES.** The grading and draining of industrial sites and the means of access

thereto.

“(9) STATE. The state of Alabama.”

Section 2. Section 41-10-26 of the Code of Alabama 1975 is hereby amended to read as follows:

“§41-10-26. The authority shall have the following powers:

“(1) To have succession by its corporate name until dissolved as provided in this article;

“(2) To institute and defend legal proceedings in any court of competent jurisdiction and proper venue; provided that the authority may not be sued in any trial court other than the courts of the county in which is located the principal office of the authority; provided further, that the officers, directors, agents and employees of the authority may not be sued for actions in behalf of the authority in any trial court other than the courts of the county in which is located the principal office of the authority;

“(3) To have and to use a corporate seal and to alter the seal at pleasure;

“(4) To establish a fiscal year;

“(5) To anticipate by the issuance of its bonds the receipt of the revenues appropriated and pledged in this article;

“(6) To pledge the proceeds of the appropriations and pledges provided for in this article as security for the payment of the principal of and interest on its bonds;

“(7) To make surveys to determine suitable locations in the state for prospective industries;

“(8) To make surveys to determine the availability of labor in various parts of the state and to classify such labor in terms of skills and educational level;

“(9) To assist counties, municipalities or local industrial development boards organized as public corporations in the state, or airport authorities organized as public corporations in this state pursuant to Chapter 3 of Title 4 of the Code of Alabama 1975, in the survey and analysis of their industrial resources and needs;

“(10) To make grants of money to counties, municipalities and local industrial development boards organized as public corporations in the state, or airport authorities organized as public corporations in this state pursuant to Chapter 3 of Title 4 of the Code of Alabama 1975, for the purposes and subject to the terms and conditions set forth in section 41-10-27; and

“(11) To appoint and employ such attorneys and agents as the authority may require for the carrying out of its corporate purposes and the exercise of the foregoing powers.”

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 19, 1980

Time: 5:00 P.M.

Act No. 80-438

S. 594—Lemaster

AN ACT

Relating to DeKalb County; providing an optional and alternative method of assessing and paying taxes on and issuing license tags for motor vehicles in such county.

Be It Enacted by the Legislature of Alabama:

Section 1. The DeKalb County Commission shall furnish additional and sufficient personnel to the County Tax Assessor's office for the purpose of researching and obtaining the name of each county resident that owns a motor vehicle. The name of the owner shall be placed on a separate monthly roster, depending on the first letter of their last name as set forth by Act 79-797. This roster shall be completed by the first day of November 1980.

Section 2. The Tax Assessor shall, on the first day of December, 1980, mail to each auto owner who is to purchase auto tags in January 1981, an application form, containing a space for the name and address of the owner of the motor vehicle, the make, model, year and motor number of the vehicle, the correct amount of ad valorem taxes, (state, county, school districts, municipal and other) and the amount of the motor vehicle license tax, the cost of tag issuance and handling fee. Said form shall also include the final date due without penalty. The assessor shall keep a copy of each application on file. Each year thereafter the assessor shall send such application to each auto owner on the first day of each month prior to the month of expiration of the current year's tag or decal.

Section 3. Once the auto owner receives his application he may sign the application form and return it by mail, together with his remittance of the total amount shown on the form, payable to the Probate Judge's office no later than the 7th day of the following

month, which is the amount of expiration of the current year's tag or decal. If the auto owner has signed the application form and sent the correct amount then the Probate Judge shall stamp said form "paid" and mail it along with the auto tag or decal sticker to the applicant by the 28th day of the month. If there is an error made on behalf of the owner, the Probate Judge may notify the owner and the owner may send the additional amount needed or he may come by the probate office and correct the error and pick up his tag. If the applicant sent too large amount, the probate office shall refund him when his tag is mailed. If any applications are received by the probate office later than the 7th of the month of the applicant's tag or decal expiration, he may file such application and keep them until the owner comes by the probate office and picks up his tag. At the end of each month the Probate Judge shall pay over to the tax collector the amount he received for ad valorem tax during that month.

Section 4. The fee for mailing out auto tags shall be one dollar (\$1.00) which shall be paid to the county general fund. Such fee shall be included on the application form sent out by the tax assessor.

Section 5. The actual expense of preparing, posting, and mailing out of application forms shall be that of the county governing body. The county governing body shall also be responsible for any mistake made in the filling out of the application forms and neither the collector, assessor or probate judge shall be held accountable for errors made by county employees. Only car, pick-ups, and motorcycle tags may be ordered through mail.

Section 6. All the forms necessary in the administration of this act shall be furnished by the state department of revenue.

Section 7. The procedure authorized by this act for the payment of ad valorem taxes on motor vehicles and motor vehicle license taxes and the issuance of license tags is optional, an alternative to the procedure now provided by law. Each owner of a motor vehicle shall continue to have the right to pay taxes and to receive his tag in person, without the necessity of paying the mailing fee provided for herein.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this act are hereby repealed.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 19, 1980

Time: 5:00 P.M.

Act No. 80-439

S. 466—Mitchem

AN ACT

To amend Section 22-28-23, Code of Alabama 1975, (Alabama Air Pollution Control Act) in order to remove the authority of municipal governing bodies to exercise air pollution control jurisdiction over agricultural and farming operations conducted within the corporate limits or police jurisdiction of such municipality.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 22-28-23, Code of Alabama 1975, is hereby amended to read as follows:

“(a) Except as provided in this section, it is the intention of this chapter to occupy by preemption the field of air pollution control within all areas of the state of Alabama. However, nothing in this section shall be construed to limit or abrogate any private remedies now available to any person for the alleviation, abatement, control, correction or prevention of air pollution or restitution for damage resulting therefrom.

“(b) Subject to the provisions of this section, each municipal governing body which had municipal ordinances in effect on, or before, July 1, 1969, which pertain to air pollution control and which provide for the creation and establishment of an air pollution control board and each county board of health shall have the authority to establish, and thereafter administer, within their jurisdictions, a local air pollution control program which:

“(1) Provides, subject to subsection (d) of this section, by ordinance, regulation or resolution, for requirements for the control or prevention of air pollution consistent with, or more strict than, those imposed by this chapter or the rules, regulations and standards promulgated by the commission under this chapter;

“(2) Provides for the enforcement of such requirement by appropriate administrative and judicial process. Each such municipal governing body and each county board of health establishing a program under this section is hereby authorized and

required to advertise and adopt all rules and regulations in accordance with the same procedure provided in this chapter for the adoption of said rules, regulations and standards by the commission, and all judicial remedies provided by this chapter shall be available and enforceable by such municipal governing body and by such county board of health; and

“(3) Provides for administrative organization, staff, financial and other resources necessary to effectively and efficiently carry out its program. The county commission of each county and the council or other governing body of each municipal governing body within the jurisdiction of a local air pollution control program established by a county board of health are hereby authorized to appropriate such sums as they may determine necessary and desirable for the establishment, administration and enforcement of such a program.

“(c) No county board of health shall have the authority to exercise air pollution control jurisdiction within the bounds of any incorporated municipality or the police jurisdiction thereof having an air pollution control program as hereinbefore authorized. Provided further, however, that no municipal governing body having an air pollution control program as hereinbefore authorized shall have the authority to exercise air pollution control jurisdiction over any agricultural and farming operations conducted within the corporate limits or police jurisdiction of such municipality.

“(d) Any such municipal governing body and each county board of health may adopt and enforce any ordinance, regulation or resolution requiring the control or prevention of air pollution as follows:

“(1) Where any ordinance, regulation or resolution is identical in substance to requirements for the control or prevention of air pollution imposed by this chapter, or the rules, regulations and standards promulgated by the commission under this chapter, then such ordinance, regulation or resolution may be adopted and enforced without further approval of the commission.

“(2) Where any ordinance, regulation or resolution provides for the control or prevention of air pollution regarding classes or types of sources or classes or types of air contaminants for which the commission has not promulgated rules, regulations or standards applicable to such sources of air contaminants within the area of jurisdiction of the local air pollution control program of such municipal governing body or county board of health, then such ordinance, regulation or resolution may be adopted and enforced without further approval of the commission.

“(3) Where any ordinance, regulation or resolution is adopted which provides for requirements for the control or prevention of air pollution for particular classes or types of sources or classes or types of air contaminants, which requirements are more strict than those imposed by this chapter, or the rules, regulations and standards promulgated by the commission under this chapter, which are applicable within the area of jurisdiction of the local air pollution control program of such municipal governing body or county board of health, then such ordinance, regulation or resolution may not be enforced unless the commission finds within 60 days of such adoption that such ordinance, regulation or resolution is compatible with the purposes of this chapter and with any comprehensive plan adopted by the commission pursuant to section 22-28-10.

“(4) Each such municipal governing body or county board of health shall notify the commission of the adoption of any ordinance, regulation or resolution requiring the control or prevention of air pollution and provide to the commission a certified copy of such ordinance, regulation or resolution within 15 days of such adoption.

“(e) (1) If the commission has reason to believe that a local air pollution control program established pursuant to subsection (b) of this section is inadequate to prevent and control air pollution in the jurisdiction to which such program relates or that such program is being administered in a manner inconsistent with the requirements of this chapter, the commission shall, on due notice, conduct a hearing on the matter; and

“(2) If, after such hearing, the commission finds that such program is inadequate to prevent and control air pollution in the jurisdiction to which such program relates, that such program is not accomplishing the purposes of this chapter, that such program is not adhering to the requirements of subsection (f) of this section or that such program is being administered in a manner inconsistent with requirements of this chapter, the commission may preempt the local enforcement authority of such program.

“(f) (1) Each municipal governing body or county board of health which has established and administers a local air pollution control program pursuant to this section shall submit to the commission a detailed report of its activities during the previous year. Such annual report shall be submitted as of October 1, of each year. Such reports shall include, but not be limited to, information regarding:

“a. Ordinances and resolutions adopted or under consideration requiring control or prevention of air pollution and

administrative procedures followed in such adoption:

- “b. Administrative organization;
- “c. Staff, financial and other resources;
- “d. Enforcement activities;
- “e. Emission inventories;
- “f. Air quality monitoring systems and data;
- “g. Progress and problems related to administration of the local air pollution control program; and
- “h. Any other information which the commission may reasonably require.

“(2) The commission may also require special interim reports by such municipal governing body or county board of health regarding activities of its local air pollution control program.

“(g) Nothing in this section shall be construed to prohibit the commission from enforcing any provision of this chapter or any rule or regulation issued thereunder, nor to supersede or oust the jurisdiction of the commission in any matter.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on May 21, 1980 without approval by the Governor.

Act No. 80-440

S. 129—Weeks

AN ACT

Relating to Macon County; to give the county commission certain powers and authority in regard to performing work or services upon private property and selling materials to churches, schools, individual or non-profit associations or corporations; setting the conditions under which such work can be done or materials sold; and establishing the procedure governing work on private property or the sale of materials under the provisions of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. The Macon County Commission is hereby authorized and empowered, within Macon County, to go upon private property and perform work or services for churches, schools, individuals, and non-profit associations or corporations

and to sell materials to churches, schools, individuals, and non-profit associations or corporations subject to the provisions of this Act.

Section 2. It is the intent of this Act to make available to the citizens of Macon County services only when such services are not reasonably available to them at a reasonable cost from private enterprise. Upon the enactment of this Act and during the month of January each year thereafter, the county commission shall investigate the availability of work, services and material from private enterprise in the various areas of Macon County and shall enter upon the minutes of the county commission the results of such investigation. The county commission shall thereafter adopt a written policy governing the doing of such work or services and the sale of such material. The policy shall include a description of the work and services which will be performed and the materials to be sold and a limitation upon the areas in which such work or services will be performed and in which materials will be sold to those areas in which such work, services or material are not reasonably available at a reasonable cost from private enterprise. The policy shall include a provision that such work, services, or materials are available to all citizens of Macon County where such work, services or material are not reasonably available from private enterprise at a reasonable cost. The written policy adopted by the county commission shall be published annually in a newspaper of general circulation in Macon County in the type normally used for news stories.

Section 3. No work may be done by the Macon County Commission upon private property unless the county commission has no present need for the use for public county purposes of the existing personnel and equipment necessary to perform such work and unless the county commission and the proper fund in the county treasury are justly compensated for work or services performed and for the materials used or sold. In determining just compensation for work or services performed and for materials used or sold, all indirect costs including but not limited to overhead, management and depreciation shall be included.

Section 4. Before any work or services are performed on private property or material is sold to churches, schools, individuals, or non-profit associations or corporations, a written contract must be signed by the party for whom the work or services are to be performed or to whom the material is to be sold stating the work to be done or material sold, the amount to be paid for such work or services or material or the rate by which the amount to be paid for such work, services or materials will be computed. Such contract shall be a public document available for inspection by any interested party. The work or services performed must be paid for

at the time it is completed and any material delivered must be paid for at the time the material is delivered. The name of each church, school, individual, or non-profit association or corporation for whom work or services are performed or to whom material is delivered shall be entered upon the permanent minutes of the Macon County Commission at its next regular meeting following the completion of the work or the delivery of the material, along with a description of the work performed or material delivered and a statement of the price paid to the county for the work performed or material sold.

Section 5. No work shall be performed for any church, school, individual, or non-profit association or corporation under the provisions of this Act including labor, materials, equipment use or any other cost or expense that exceeds \$1,000 for any twelve (12) month period.

Section 6. The provisions of this Act shall not be construed to repeal any law not in direct conflict herewith.

Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 19, 1980

Time: 5:00 P.M.

Act No. 80-441

S. 511—Gulledge

AN ACT

Relating to the City of Foley in Baldwin County; authorizing the utilities board of the City of Foley to establish, purchase, construct, maintain, lease and operate a television cable system and to furnish television cable and auxiliary service to the residents of the city and to customers of the said board and in surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidences of indebtedness by such board in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting the utilities board transacting business pursuant to this Act from the jurisdiction and control of the Alabama Public Service Commission.

Be It Enacted by the Legislature of Alabama:

Section 1. As used in this Act the words "Utilities Board" shall mean the utilities board of the City of Foley in Baldwin

County, a corporation organized and existing under the authority of Sections 11-50-310 through 11-50-318 and 11-50-320 through 11-50-324 of the Code of Alabama 1975.

Section 2. In addition to all other powers, rights, and authority heretofore granted by law:

(a) Such utilities board is hereby authorized and empowered to acquire, purchase, construct, lease, operate, maintain, enlarge, extend and improve a cable television system which may be defined, without limiting the generality, as a facility that in whole or in part, receives directly, or indirectly, or over the air, and amplifies or otherwise modifies the signal transmitting programs broadcast by one or more television or radio stations, and distributes such signals by wire or cable to subscribing members of the public who pay for such service; and

(b) such utilities board is hereby authorized and empowered to acquire, purchase, lease, construct, operate, maintain, enlarge, extend and improve a system of auxiliary services which may be identified generally as any communication service, in addition to the cable television transmissions, which shall include, but be not limited to burglar alarm systems, data transmissions, facsimile service, home shopping service, and any allied or similar communications services.

Section 3. For the purposes of this Act, such utilities board may exercise the right of eminent domain. Such eminent domain proceedings shall be conducted in the manner now provided by law.

Section 4. (a) In payment for the purchase, lease, construction, acquisition, extension or maintenance of such television cable system, the said utilities board may issue its bonds in the manner provided by law.

(b) Such utilities board, in order to secure the prompt and faithful payment of the principal and interest of all debts, bonds or other evidences of indebtedness incurred or issued by it for the construction, acquisition, lease, extension or maintenance of a television cable system may execute a mortgage or deed of trust upon any or all of such system and all property used in connection therewith, including the franchise or any part thereof.

(c) Such mortgage or deed of trust may contain such terms, conditions, covenants and warranties for the protection of the utilities board and holders of such bonds or securities issued by such utilities board as may be determined and agreed upon by the governing body of the utilities board and persons, firms or corporations owning such debts, bonds or securities.

(d) Such mortgages may provide that in the event of the foreclosure of such mortgage or deed of trust, that the purchaser at such foreclosure sale may acquire the right, privilege or franchise of operating such system as may be so sold or conveyed, and such purchaser or his vendee may have the right, authority and privilege to carry on and operate such system in the same manner, on the same terms and to the same extent as the utilities board is authorized to operate until the utilities board is authorized to operate until the utilities board may redeem such system from such mortgage sale.

(e) Such mortgage or deed of trust may provide that during the ownership of the system by the utilities board, its control of the service of the system shall not be diminished or interfered with by the grant of any other franchise for the operation of any other plant or system for similar purposes; and that such rates and charges shall be established and maintained as are sufficient to meet the costs of operation and maintenance; and such utilities board may pledge all of the receipts, earnings and revenues from the operation of the system for the payment of the debts, bonds or other evidences of indebtedness secured by such mortgages or deeds of trust.

Section 5. The utilities board furnishing television cable service pursuant to this Act shall have the right to require any person furnishing television cable service to the public within its jurisdiction to inter-connect the television cable, lines, facilities or systems furnishing such service with, or otherwise make available such cables, lines, facilities or systems to the utilities board's television cable, lines, facilities or system in order to provide a continuous line of communication for the utilities board's subscribers. In the event such person and the utilities board shall be unable to agree upon the terms and conditions of such interconnection, including compensation therefor, the Alabama Public Service Commission, upon the request of the utilities board, shall establish such terms and conditions which shall be reasonable and nondiscriminatory.

Section 6. The utilities board shall have all the power and authority necessary and proper to the exercise of the powers conferred on it by this Act and in effectuating the purposes of this Act.

Section 7. For the transaction of business pursuant to this Act, the said utilities board shall be exempt from the jurisdiction and control of the Alabama Public Service Commission with respect to such business.

Section 8. No provision of this Act shall be used to constitute

the incurring of a debt by the utilities board within the state constitutional provisions or statutory limitations on debts of the City of Foley.

Section 9. All laws or parts of laws in conflict with this Act are repealed.

Section 10. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 19, 1980

Time: 5:00 P.M.

Act No. 80-442

S. 564—Keener

AN ACT

To create a board of trustees of the policemen and firemen's retirement fund of the City of Gadsden, Alabama to provide for the composition of said board; to provide for a secretary-treasurer of said board and custodial care of such funds; to provide for the compensation of said retirement fund and the investment thereof; to provide for the payment of monies from such fund; to exempt the same from attachment and garnishment or other levy by legal process; to provide for voluntary, mandatory and disability retirement; to fix the amount of the retirement pensions; to provide the amounts payable to widows or dependents; and to provide appeals from any decision of said board.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only to the City of Gadsden, Alabama.

Section 2. There is hereby created, in connection with the regularly organized and paid police department and fire department of the City of Gadsden, a board of trustees of the policemen and firemen's retirement fund. Such board shall be known and called the Board of Trustees of the Policemen's and Firemen's Retirement Fund of the City of Gadsden. The board of trustees shall be constituted and selected as hereinafter provided and directed; and in each city to which this act applies there is also created a policemen's and firemen's retirement fund for the benefit of persons hereinafter named, to be derived and raised in the manner hereinafter provided. The policemen's and firemen's retirement fund of the City of Gadsden and the board of trustees of

such fund shall, after this act becomes law, be governed by this act, and such fund shall be managed and controlled by a board of trustees conforming to this act.

Section 3. The board of trustees of the policemen's and firemen's retirement fund shall be composed of seven members consisting of the Commissioner of Public Safety of the City of Gadsden who has supervision over the police and fire departments who shall be chairman of the Board of Trustees; the chief of the police department, the chief of the fire department; one additional member of the police department to be elected for a four year term within thirty (30) days after the enactment of this act by a simple majority vote of the police department; and one additional member of the fire department to be elected for a four year term within thirty (30) days after the enactment of this act by a simple majority vote of the fire department; one former member of the police department who receives retirement benefits from said fund; and one retired fireman who receives retirement benefits from said fund, both of whom shall be elected by a majority vote of the other members of the Board of Trustees and who shall serve for a period of four years following their election. All of the members of the Board of Trustees shall serve without compensation. In the event of a vacancy in either of the positions other than the positions designated for the Commissioner of Public Safety or the chiefs of the Police Department and the Fire Department, the successor or successors shall be elected in the same manner as provided herein within thirty days after the occurrence of such vacancy.

Section 4. The board of trustees, if it so elects, and with the approval of the governing body of said city, shall have the power and authority to appoint a secretary-treasurer of said board who shall serve at the pleasure of said board and who shall receive a compensation for his services the sum of seventy-five (\$75.00) dollars per month or such other amount of compensation as the board of trustees shall provide by majority vote and shall be approved by the governing body of said city, to be paid on the first day of each month by warrant drawn in like manner as other warrants on such fund. The secretary-treasurer of the board of trustees is hereby made, and it shall be his duty to be the custodian of all monies belonging to the policemen's and firemen's retirement fund, and all monies belonging to such fund, and all money or other property belonging to such fund, and all money or other property belonging to similar fund now or hereafter maintained in any city to which this act applies shall be promptly paid to him. The said secretary-treasurer shall also be custodian of all securities and things of value belonging to such fund. The secretary-treasurer shall before taking office, make bond in a sum to be fixed from time

to time by resolutions of the governing body of the city, to be approved by the chairman of the board of trustees in a surety company authorized to do business in Alabama for the faithful performance of the duties imposed upon him under this subdivision, and for the faithful accounting of all monies, and things of value which may come into his hands, as such treasurer of such fund, and he shall keep a separate account thereof, which shall at all times show the true condition of such fund. Upon the resignation or removal from office of such secretary-treasurer he shall surrender and deliver up to his successor all bonds, securities, and all unexpended monies or other properties which may have come into his hands as treasurer of such fund. It shall be the duty of the secretary-treasurer of said board to keep, in a book provided for that purpose, a full and complete record of all proceedings of the board of trustees, and he shall perform such other duties as may be assigned to him by the board of trustees.

Notwithstanding anything to the contrary in this act, the board of trustees, with the approval of the governing body of said city, may elect by majority vote to allow any insurance company or financial institution of its choice to exercise custodial care thereof, and make investments with, all monies in said retirement fund; and provided further that any such delegation of custodial care shall not become effective until written notice of such delegation is posted in all police and fire stations of said city, and after ten (10) days notice thereof, an election is held in each of said departments in which election a simple majority of the contributing members, by secret ballot, vote in favor of such delegation. Custodial care of said retirement fund, if delegated to an insurance company or financial institution, shall obligate the custodian as follows:

1. To accept fiduciary responsibility for said fund.
2. To prepare for the board of trustees, upon demand, a report on the financial condition of said fund.
3. To provide benefits for the members of the policemen's and firemen's retirement fund, as agreed upon by such custodian and the board of trustees of said fund.

Section 5. The board of trustees of the policemen's and firemen's retirement fund is hereby declared to be the trustee of the policemen's and firemen's retirement fund and shall have the exclusive management and control thereof, and all matters legitimately connected therewith. The board of trustees shall have the power to recommend such rules and regulations as may be necessary to enable it to effectively and properly to carry into execution the purposes for which it was organized and created, and

to enable it properly to manage and conduct the business entrusted to it, provided such rules and regulations shall in no way contravene the provisions of this act; and provided further that such rules and regulations so recommended shall not become effective until written notice of such recommendations is posted in all police and fire stations of said city, and after ten (10) days notice thereof, an election is held in each of said department, in which election a simple majority of the contributing members in each of said departments, by secret ballot, vote in favor of such recommendations. The board of trustees shall hear and decide all applications for pensions or relief under this act and its decisions shall be final except for an appeal as hereinafter provided. The said board of trustees shall meet whenever the chairman thereof or a majority of the board of trustees shall call a meeting of such board.

Revenues from the following sources shall be in the amounts provided herein and shall be paid into the policemen's and firemen's retirement funds of the City of Gadsden:

(a) A \$5.00 court cost shall be added on all cases resulting in conviction in the recorder's court of said city to which this act applies.

(b) A \$3.00 fee shall be charged for all fire reports and forms; an additional \$1.50 per picture requested by any insurance firm or individual other than the news media and other fire departments or their representatives shall be charged. Rent and paper for the machine shall be charged to the fund.

(c) A \$3.00 fee shall be charged on all identification pictures, report copies, and fingerprints requested from the police department. This fee shall not be charged or collected from law enforcement agencies when obtaining pictures, report copies and fingerprints for use in law enforcement.

(d) All seized or unclaimed property impounded by said city police department to which this act applies and sold after a period of one year, at public auction.

(e) All motor vehicles impounded by said city police department to which this act applies shall have a minimum of \$5.00 as impounded fee attached, including a \$1.00 per day storage fee to be collected by the city.

(f) All impounded motor vehicles not claimed or transferred back to the owner within 90 days will be auctioned to the public.

(g) Upon approval of said governing body, all city facilities, buildings, property and concessions upon availability shall be open

to the use of the fire and police department's pension committee to have benefits and other fund raisings at actual cost.

(h) The governing body of said city to which this act applies shall cause to be paid into the policemen's and firemen's retirement fund, out of the treasury of the city, commencing October 1, 1980, an amount equal to 20% of the salary of each member of such police and fire departments who contributes to said fund, and such payment shall be made as and when such salary becomes payable. The governing body of said city, to which this act applies, shall cause to be paid into the policemen's and firemen's retirement funds, out of the treasury of the city, beginning October 1, 1981, an amount equal to 22% of the salary of each member of such police and fire departments who contributes to said fund; commencing October 1, 1982, the governing body of said city to which this act applies shall cause to be paid into the policemen's and firemen's retirement fund, out of the treasury of the city, an amount equal to 24% of the salary of each member of such police and fire departments who contributes to said fund; commencing on October 1, 1983, the governing body of said city to which this act applies shall cause to be paid into the policemen's and firemen's retirement fund, out of the treasury of the city, an amount equal to 26% of the salary of each member of such police and fire departments who contribute to said fund. All such payments provided for by the governing body of said city shall be made as and when such salary becomes payable.

(i) Commencing in January, 1983, and each two years thereafter, the Board of Trustees of the Policemen's and Firemen's Pension Fund shall contract with a qualified actuarial consulting firm to study the financial condition and stability of said fund and make recommendations regarding said fund to the Board of Trustees. The cost of said actuarial study shall be paid equally and jointly by the City of Gadsden and by the Policemen's and Firemen's Pension Fund.

(j) 10% of the monthly salaries of each member of the police and fire departments shall be paid by the city clerk to the secretary-treasurer of the Board of Trustees on the first day of each month, and said 10% of such salaries shall be deducted from the salaries paid each member. Except, however, commencing on January 1, 1983, 11% of the monthly salaries of each member of the police and fire departments shall be paid by the city clerk to the secretary-treasurer of the Board of Trustees on the first day of each month, and said 11% of such salaries shall be deducted from the salaries paid each member.

(k) In the event the City of Gadsden levies a tax on fire and burglary insurance premiums, the proceeds of such tax shall be

earmarked for the policemen's and firemen's pension fund.

(l) The City of Gadsden shall be responsible for the financial stability of said fund, and is hereby authorized, by ordinance, to take whatever steps it deems necessary to obtain additional revenue to insure the financial stability of said fund.

Section 6. The policemen's and firemen's retirement fund shall consist of the following:

1. All of the money, securities, and things of value belonging to any similar fund that may now or hereafter be maintained in the City of Gadsden.

2. All monies or properties that may be given or donated to said fund by any persons, firm, association, or corporation for the uses and purposes for which said fund is created; and said board may take, by gift, grant, devise, or bequest, any money, personal property, real estate, or any interest therein, or any right of property, for the benefit of said fund.

3. All reward money paid to any member of the police and fire departments of said city shall be paid by the recipients of the same into said retirement fund promptly upon receipt of the same.

4. All civil or criminal witness fees received by any member of the police and fire departments for attendance at or before any court or grand jury in Etowah county wherein the city employing them is located shall be paid into said retirement fund promptly upon the receipt of such fees by the recipients of the same.

5. The city clerk of all cities to which this act applies shall pay into said fund all seizure fees collected by the city in cases involving violation of the prohibition laws since the 1st day of February 1946, and all such fees hereafter collected by the city.

6. The proceeds from all those fees and charges provided for in section 5 of this act.

7. The board of trustees of the policemen's and firemen's retirement fund may, at any time, with the approval of the governing body of said city employing such policemen and firemen, after considering the probable demands upon such fund in the near future, determine what portion of such fund may be safely withdrawn for investment for revenue purposes, and having determined what portion thereof shall be so withdrawn for that purpose, said board of trustees shall then determine in what manner such investment shall be made, and all proceedings of said board of trustees relating thereto shall be entered at length upon its records. Such investment shall only be by purchase of the interest

bearing bonds, bills or notes of the United States of America, or in any stock, security, investment, or deposit which is guaranteed by the United States Government or any of its instrumentalities; provided, however, the board may by majority vote elect to invest up to sixty percent (60%) of the total assets of the pension fund in such classes of bonds, mortgages, common and preferred stock, annuities and/or other investments as are allowed by the laws of Alabama to domestic life insurance companies, or by a majority vote of policemen and firemen up to 100% of said fund may be invested in any sound financial institution to include insurance companies or bank or trust companies. All income from such investments shall be and become a part of said policemen's and firemen's retirement fund. All such securities shall be deposited with the secretary-treasurer of the board of trustees, and shall be subject to the management and control of said board of trustees of the policemen's and firemen's retirement fund.

Section 8. The board of trustees or custodian of funds designated by said board shall make a monthly report to the governing body of said city employing such policemen and firemen concerning the condition of such policemen's and firemen's retirement fund. The said board of trustees shall keep minutes of every meeting in a well bound book designed for that purpose which said minute book shall be available to any contributing member of said police department or fire department on his request. Each six months said board of trustees shall post in a conspicuous place in each police station and each fire station in said city a statement itemizing all receipts, disbursements, expenditures and pensions paid by said board for the preceding six (6) months period, stating in detail the source of such receipts, and to whom all such expenditures, disbursements and pension payments were made, together with the amount of each. All such records shall be available to any contributing member at any time upon request.

Section 9. All monies ordered to be paid from such policemen's and firemen's retirement fund shall be paid by the secretary-treasurer of such fund only upon warrants signed by the chairman of such board of trustees and countersigned by one associate member of such board of trustees and by the secretary-treasurer; and no warrant shall be drawn on such fund except by order of the board of trustees, which shall be duly and regularly entered in the record of the proceedings of the board of trustees. Any monies wrongfully paid from such fund shall be charged against the members of said board of trustees.

Section 10. No portion of the said policemen's and firemen's retirement fund shall, before or after its order for distribution by

the board of trustees to the person or persons entitled thereto under the provisions of this sub-division, be held, seized, taken, subjected to, detained, or levied upon, by virtue of any attachment, garnishment, execution, injunction, writ, order, decree or any other process whatsoever, issued out of or by any court of this state, for the payment or satisfaction, in whole or in part, of any debt, damage, demand, claim, judgment or decree, against any beneficiary of such fund, but shall be exempt therefrom. Said fund shall be sacredly kept, held and distributed for the purposes named in this subdivision, and for no other purpose whatsoever.

Section 11. If at any time there shall not be sufficient money in the policemen's and firemen's retirement fund to pay each person entitled to the benefit thereof, the full amount per month as herein provided or any time the principal of the fund reaches an amount of \$700,000 or less, then an equal percentage of such monthly payment or payments shall be made to each beneficiary until the said fund shall be replenished to warrant the payment in full to each of the said beneficiaries; provided that the provisions of this section concerning pro-rated payments shall not be interpreted to include those members drawing survivors benefits and those members of said fund who are one-hundred percent disabled and have no other personal income except those benefits derived from the provisions of this act. The board of trustees, or insurance custodian as provided for in this act, is authorized to take such action as it deems necessary periodically to determine the actuarial status of the pension fund.

Section 12. 1. No person retired after October 1, 1975 under the policemen's and firemen's retirement fund can be reemployed full time by the City of Gadsden in any department, without first having signed an agreement forfeiting his or her pension benefits during the time of reemployment. For purposes of this act, full time employment means twenty (20) hours or more per week. Benefits shall be resumed upon termination of employment. In no instance shall the benefits lost during the time of reemployment be recovered by said person. The provisions of this Section shall not be interpreted to include those members drawing survivor's benefits.

2. Any member of the police and fire department of a city to which this act applies who has been in continuous service thereof for as long as twenty years, upon making written application to the board of trustees therefor shall, without medical examination or disability, be retired from service in such department and upon such retirement the board of trustees shall direct the payment to such retired member, monthly from such fund the amount hereinafter provided for his or her particular position, office,

salary, or class of work. However, any member of such police or fire department who has become a new employee on or after October 1, 1975, must serve a mandatory thirty (30) years consecutive service before receiving retirement benefits. Any such person entitled to receive retirement benefits pursuant to this act shall receive benefits equal to 50% of the final salary received by that person at the time of his or her retirement. Except, however, said retirement pay shall not be calculated on any pay based on rank which has not been held for at least three years before retirement. Any person having met the requirements for retirement under this section shall be entitled to commence receipt of his or her retirement benefits ninety days after.

Section 13. 1. The board of trustees shall have the power and authority and it is hereby made mandatory that it shall retire from service in the police and fire departments of any city to which this act applies any member thereof, who has attained the age of sixty-five (65) years, and the said board of trustees shall direct the payment to such retired member, monthly, from said fund, the amount of money hereinafter provided for his, or her, particular position, office, salary, or class of work.

Section 14. In addition to the retirement benefits provided for herein, the Board of Trustees of the policemen's and firemen's pension fund shall have the authority, upon the vote of six of the seven trustees to grant an increase in retirement benefits up to a maximum of 20% of any increase in salary afforded active members of the police or fire departments.

Section 15. If any member of the police or fire department of a city to which this act applies is, on proper application, found by the board of trustees to be physically or mentally permanently disabled so as to render him or her unable to fulfill the duties of his or her particular position, or job, the board of trustees shall order and direct, the payment of the proper amount of money as prescribed in this Act, after said board of trustees has directed, or approved the retirement of a physically or mentally disabled member.

Section 16. 1. If a person applies for disability, he or she must undergo an examination by two doctors named by the board of trustees and one of his or her choice. Application for disability retirement must suggest name of one member of panel of doctors to examine the applicant and if any dispute, may select a third. After any member of such police or fire department shall have retired upon pension by reason of disability, the said board of trustees shall have the right and authority, at any time, to cause such retired

member to be brought before the city physician and two (2) other physicians or surgeons, the retired member having the choice of bringing or selecting either his or her own personal physician, total number of physicians not to exceed the above mentioned number of three. The retired member shall be examined by the above named physicians to determine whether such disability yet continues, and the findings of the three physicians shall determine whether the retired disabled member is capable of returning to active job status. If the findings of the physicians are such that they affirm that the retired disabled member is capable to carry on active job status, then this retired disabled member shall be immediately stricken from the pension roll by the board of trustees, and be immediately notified to return to work in, and to, the respective department from whence he, or she, was retired. If after proper notification, such retired member fails to return to work, after a period of thirty days, or fails to show just cause, either through the courts, or other means, then the person shall forfeit his, or her, right to re-instatement with said city police or fire departments whichever.

2. The board of trustees, when questioned whether a person is legally drawing monies from said pension fund, must, within thirty days appoint a five (5) member investigating committee from the ranks of the police and fire departments, said committee shall return such investigative findings in writing to a meeting of the board of trustees who shall notify the original petitioner of the meeting and request his or her presence.

Section 17. If any active member of such police or fire department, or any member of such department on official leave of absence from such department and in the armed forces of the United States, shall die from any cause whatever, leaving a widow or widower, said board shall direct the payment from said fund, to said widow or widower, of a sum equal to fifty percent of the amount specified in this act to be paid to a retired fireman or policeman of the same rank as such deceased member at the time of his or her death, said monthly payments to continue to such widow or widower during his or her natural life and while unmarried. Should such deceased member leave no surviving widow or widower, but leave surviving him or her a child or children under eighteen years of age, the board of trustees shall direct the payment monthly from such fund, until such child or children shall have attained the age of eighteen years, of a sum equal to fifty percent of the amount specified in this act to be paid to a retired fireman or policeman of the same rank as such deceased member at the time of his or her death, to the person having control and custody of such child or children or to such other person as the board of trustees

shall direct, said sum to be expended by such person for the benefit of such child or children as may be prescribed by the board of trustees.

Section 18. If any retired member of such police or fire department shall die from any cause, leaving a widow or widower, said board shall direct the continuation, from the date of such death of fifty percent of the monthly retirement payments of such deceased retired member to be paid to such widow or widower of such deceased retired member during his or her natural life while unmarried. Should such deceased retired member leave no widow or widower surviving him or her, but leave surviving him or her a child or children under eighteen years of age, the board of trustees shall direct the payment monthly from such fund, until such child or children shall have attained the age of eighteen years, of a sum equal to fifty percent of the monthly retirement payments of such deceased retired member to the person having control and custody of such child or children or to some other person as the board of trustees shall direct, said sum to be expended by such person for the benefit of such child or children as may be prescribed by the board of trustees.

Section 19. When the widow or widower, or children of an active or retired member of the police or fire departments shall be entitled to benefits under this subdivision, such widow or widower, or children, shall make or cause to be made an application to the board of trustees through the secretary-treasurer of such board which shall show, in the case of the widow or widower, proof of the marriage of the deceased to the claimant, by marriage certificate or other competent evidence, and the ages of such children shall be shown by birth certificate or other competent evidence. All such applications and proofs shall be kept and retained in the custody of the said board of trustees.

Section 20. If any employee terminates his or her employment before becoming eligible for retirement benefits, such employee shall receive a lump sum payment from the board of trustees, within 90 days after filing a written application with said board, said lump sum payment to be based on the following scale:

(A) From 0 to and including the 5th year said employee will receive 100% of all amounts he or she has contributed to said fund.

(B) From 6 to and including the 10th year said employee will receive 100% of all amounts he or she has contributed plus an amount equal to one (1%) per year of employment contributed by the City of Gadsden.

(C) From 11 to and including 20th year said employee will receive 100% of all amount he or she has contributed plus amount equal to two (2%) per year of employment contributed by the City of Gadsden.

Section 21. No member of said police department or fire department, who is not now contributing to said retirement fund, shall be entitled to participate in said retirement fund, or required to make contributions thereto, unless at the time he qualifies therefor he may be not less than eighteen (18) years of age and not more than thirty-five (35) years of age, establish by an examination of him by a duly licensed and practicing physician that he is physically and mentally sound, and establish by examination of duly licensed and qualified specialists that his vision, hearing and heart are in good physical condition.

Section 22. The term "member of such police department" shall include chief of police, assistant chiefs of police, chief of detectives, captain of police, lieutenants of police, sergeants of police, identifications officers, superintendent of identification, lieutenant of detectives, patrolmen and any full time, regularly employed and compensated, bonded and sworn peace officer under the direct supervision of the chief of police of the city. The term "member of such fire department" shall include the following in said department: chief, assistant chiefs, captains, lieutenants, mechanics, drivers, firemen, fire marshall or fire inspector, drill master or instructor, division or battalion chiefs, superintendent of fire alarm systems, and any full time, regularly employed and compensated, officer or employee engaged in fire fighting under the direct supervision of the chief of said fire department. No other officer, employee, or person shall be eligible to participate in said retirement fund, notwithstanding the provisions of any civil service law, state statute, city ordinance or rules and regulations of said board.

Section 23. There shall be kept by the secretary-treasurer of the board of trustees a book to be known as the list of retired policemen or firemen. Such book shall also give a full and complete history and record of the action of the said board of trustees in retiring any and all persons under this subdivision, showing the names, date of entering the service of such police or fire department, date of retirement and the reason for such retirement, if any.

Section 24. It shall be the duty of the city attorney or such assistant city attorney as may be designated by the board of commissioners or other governing body of the city to give advice to the said board of trustees in all matters pertaining to the duties of

the said board of trustees and the management of such fund, whenever requested to do so, and he shall represent and defend the said board of trustees as its attorney in all suits and actions at law or in equity that may be brought against it, and in all suits and actions in its behalf that may be required or determined upon by said board of trustees. Such city attorney shall serve as such attorney of the board of trustees without compensation additional to the salary paid him as such city attorney.

Section 25. The board of trustees shall be authorized to pay out of such fund all reasonable and necessary expenses including the cost of bond herein provided for that may be incurred by it in and about the management and administration of such fund; provided that in no event shall the members of said board of trustees receive any salary or compensation for their services out of said fund.

Section 26. Within ten (10) days after any final decision of the board of trustees, any contributing member including the governing body of such city, feeling aggrieved at the decision of the board of trustees may appeal from any such decision to the circuit court of the county in which such city is located and such appeal shall be heard by a judge sitting without a jury. Upon the filing of any such appeal, notice thereof shall be served upon any member of the board of trustees by the appellant. Such appeal shall be heard by the court at the earliest possible date, and it shall not be necessary on any such appeal to enter exceptions to the rulings of the board of trustees and no bond shall be required for such an appeal and such an appeal shall be effected by filing a notice and request therefor by the appellant with the clerk of said court. An appeal may be taken from any decision of such court to the court of appeals or the supreme court as now provided by law.

Section 27. The provisions of this act shall supercede all existing provisions of law, general or local relating to the policemen's and firemen's retirement fund of any city to which this act applies, and any such fund existing at the time of the passage of this act is hereby transferred to and made a part of the retirement fund created in this act. All other laws, or parts of laws, in conflict herewith are hereby expressly repealed.

Section 28. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 29. All laws or parts of laws, general or local, which conflict with this act are hereby repealed.

Section 30. This act shall take effect upon its passage and approval by the Governor or its otherwise becoming a law.

Approved May 19, 1980

Time: 5:00 P.M.

Act No. 80-443

S.J.R. 175—Martin

SENATE JOINT RESOLUTION

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING:

1. Whereas under the provisions of Act No. 79-550 an Interim Committee on Municipal Government of the Legislature of Alabama was organized with eight (8) members of the Legislature, four (4) from the House appointed by the Speaker, and four (4) from the Senate appointed by the Lieutenant Governor, and the Committee met after the adjournment of the 1979 Regular Session and prior to the 1980 Session and submitted its report to the Legislature on the 19th day of February, 1980.

The Committee made numerous recommendations with respect to the organization, function, administration, financial framework and the impact of growth and urbanization on Alabama cities and towns and,

Whereas the current Session of the Legislature has adopted or will adopt several of the suggested pieces of legislation which the said Interim Committee recommended and there is a need to continue and complete the study begun by the said Interim Committee inasmuch as many areas, which the said Committee studied, require further study in depth and require positive recommendations to the Legislature from the Committee, and

Whereas the Committee was most frugal in expenditure of funds and returned some \$2,100.00 of the \$7,000.00 funding authorized by Act No. 79-550, and

NOW THEREFORE, BE IT RESOLVED, that in order to further suggest to State Legislators additional sound, workable, financially feasible and economically possible methods of administration for Alabama's municipal governments, there is hereby continued and re-organized an Interim Committee on Municipal Government of the Legislature of Alabama, to be composed of eight (8) members of the Legislature, four (4) members from the House to be appointed by the Speaker of the House, and four (4) members from the Senate to be appointed by the Lieutenant

Governor. It shall be the duty and function of the Committee to continue to analyze the present status of municipal government in Alabama and to make such recommendations for legislation and constitutional revision which it considers necessary or desirable to enable the municipal governments of this State to more adequately meet and furnish the services and needs of their citizens.

In reviewing the status and the laws of municipal governments in Alabama, the Committee shall consider and make additional studies of, but shall not limit its consideration, to the following items:

1. The functions and responsibilities of municipal governments in providing services and facilities to the residents of the incorporated towns and cities of the State;
2. A further review and study of the legal framework of municipal governments in Alabama and recommendations as to the need for any additional legislation to broaden the powers and authority of such municipal government;
3. The financial abilities of municipal government and any legislation needed to provide more adequate financial resources for the support and ongoing of such municipal government;
4. A continued study of the impact of industrialization and rapid urbanization and the ability of municipal governments to cope with and provide reasonable and adequate standards of services and facilities to their citizens because of such rapid growth and expansion.

BE IT FURTHER RESOLVED, that the Committee shall not consume more than forty-five (45) working days in performing its functions and that its report be finished in time for the presentation of a preliminary report during the first week of the 1981 Regular Session of the Alabama Legislature, and a final report to be submitted during the 1981 Regular Session of the Alabama Legislature, and that as far as practical that all meetings of the Committee be held in the State Capitol and be opened to the public. The Secretary of the Senate or Clerk of the House is hereby required to provide one (1) clerk, who shall be a competent stenographer, and the Committee is hereby empowered to employ such other personnel, including reporters and attorneys, as the Committee shall deem necessary. The Committee is hereby empowered and authorized to expend funds for the purpose of correspondence with prospective witnesses, in preparation of reports and in general expenses incident to the work of the Committee. Each member of the Committee shall be entitled to his

regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the Committee which shall be paid out of the funds appropriated to the use of the legislature, on warrants drawn on the state comptroller upon requisition signed by the Committee's chairman, provided, however that members shall not receive additional legislative compensation or per diem when the Legislature is in session. The chairman of the Committee shall certify the sums due to the clerk or other employees of the Committee. The total amount of funds expended by the Committee in carrying out the study shall not exceed the sum of Seven Thousand Dollars (\$7,000.00). The Lieutenant Governor and the Speaker of the House shall jointly designate one of the members of the Committee as Chairman and one member to be Vice-Chairman. The Lieutenant Governor and the Speaker of the House shall be ex-officio members of the Committee and shall receive compensation at the rate paid other members for each day that they sit with the Committee in its work on the subjects and problems listed in this Resolution, or in handling any other matters agreed upon by the Committee in line with the general purpose of the Committee.

Approved May 19, 1980

Time: 5:00 P.M.

Act No. 80-444

S. 38— Gullledge

AN ACT

To authorize the examination of any small loan company, finance company, and other individual or person holding any license from the State Banking Department; and to authorize the Superintendent of Banks to prescribe examination fees and per diem allowance of examiners to be paid by licensees to cover expense of examinations.

Be It Enacted by the Legislature of Alabama:

Section 1. The Superintendent of Banks may at any reasonable time cause an examination to be made of any small loan company, finance company, and other individual or person holding any license from the State Banking Department at the licensee's place of business of the records and transactions of such licensee to determine compliance with the laws of Alabama. Each licensee shall pay to the State Banking Department the actual cost of each examination, the amount of which shall be reasonably prescribed under uniform and equitable rules and regulations promulgated by the Superintendent of Banks. All such fees shall be paid into the special fund set up by the State Treasury pursuant to Section 5-1-5, Code of Alabama 1975, and used in the supervision and examination of licensees.

Section 2. All laws or parts of laws inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 19, 1980

Time: 5:00 P.M.

Act No. 80-445

S. 103—Pearson

AN ACT

To provide that legislative appropriations to the University of Alabama in Birmingham and the University of South Alabama are for the unrestricted support of the activities of the University and therefore insurance companies are prohibited from applying or taking into account in any manner any portion of those appropriations in determining reimbursement for patient care activities.

Be It Enacted by the Legislature of Alabama:

Section 1. Any appropriations made by the Legislature of Alabama to the University of Alabama in Birmingham and to the University of South Alabama shall be for the unrestricted support of the activities of the said University and therefore insurance companies, whether operated for profit or not for profit, licensed under the laws of the State of Alabama, whether acting on their own behalf or for others, are prohibited from applying or taking into account in any manner whatsoever, any portion of those appropriations in determining reimbursement for patient care activities.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 19, 1980

Time: 5:00 P.M.

Act No. 80-446

S. 107—Cook

AN ACT

To establish the "Alabama Correctional Incentive Time Act"; to provide for earned deductions from penitentiary and hard labor sentences and to establish certain criteria therefor; to create classifications for measurement of such

deductions and eligibility therefor; to require minimum sentences prior to parole eligibility; to authorize the commissioner of the department of corrections to restore certain portions of such deductions lost; to authorize the commissioner to issue, promulgate and implement such rules and regulations necessary to implement the provisions of this act; to specifically repeal Sections 14-9-1, 14-9-2, 14-9-4, 14-9-20, 14-9-21, 14-9-22, 14-9-23, 14-9-24 and 14-9-25 of the Code of Alabama 1975, and all laws or parts of laws conflicting with this act; to make certain exemptions from the provisions of this act for those persons presently serving as inmates in the penitentiary or at hard labor and for those who are convicted for crimes committed prior to the effective date of this act, so as to provide that such prisoners shall earn deductions from sentences as presently provided by law; and to provide habitual offenders shall not be eligible for any deductions from sentences.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall be known as the "Alabama Correctional Incentive Time Act."

Section 2. Each prisoner who shall hereafter be convicted of any offense against the laws of the State of Alabama and is confined, in execution of the judgment or sentence upon any conviction, in the penitentiary or at hard labor for the county or in any municipal jail for a definite or indeterminate term, other than for life, whose record of conduct shows that he has faithfully observed the rules for a period of time to be specified by this act may be entitled to earn a deduction from the term of his sentence as follows:

(1) Seventy-five days for each thirty days actually served while the prisoner is classified as a Class I prisoner.

(2) Forty days for each thirty days actually served while the prisoner is a Class II prisoner.

(3) Twenty days for each thirty days actually served while the prisoner is a Class III prisoner.

(4) No good time shall accrue during the period the prisoner is classified as a Class IV prisoner.

Within 90 days after the effective date of this act the commissioner of the department of corrections shall establish and publish in appropriate directives certain criteria not in conflict with this act for Class I, II, III, and IV prisoner classifications. Such classifications shall encompass consideration of the prisoner's behavior, discipline, work practices and job responsibilities.

Class I is set aside for those prisoners who are considered to be trustworthy in every respect and who, by virtue of their work habits, conduct and attitude of cooperation have proven their trustworthiness. An example of a Class I inmate would be one who

could work without constant supervision by a security officer.

Class II is that category of prisoners whose jobs will be under the supervision of a correctional employee at all times. Any inmate shall remain in this classification for a minimum period of six months before being eligible for Class I.

Class III is for prisoners with special assignments. They may not receive any of the privileges of Class I and II inmates. Any inmate shall remain in this classification for a minimum period of three months before being eligible for Class II.

Class IV is for prisoners not yet classified and for those who are able to work and refuse, or who commit disciplinary infractions of such a nature which do not warrant a higher classification, or inmates who do not abide by the rules of the institution. Inmates who are classified in this earning class receive no correctional incentive time. This class is generally referred to as "flat time" or "day-for-day." Any inmate shall remain in this classification for a minimum period of thirty days before being eligible for Class III.

No inmate may reach any Class without first having gone through and meeting the requirements of all lower classifications.

As a prisoner gains a higher classification status he shall not be granted retroactive incentive credit based on the higher classification he has reached, but shall be granted incentive credit based solely on the classification in which he was serving at the time the incentive credit was earned. Nothing in this act shall be interpreted as authorizing an inmate incentive credits based on the highest classification he attains for any period of time in which he was serving in a lower classification or from the date of his sentence.

Provided, however, no person may receive the benefits of correctional incentive time if he or she has been convicted of a Class A. felony [as defined by Act No. 607, S. 33 of the 1977 Regular Session (Acts 1977, p. 812), as amended] or has been sentenced to life, or death, or who has received a sentence for ten years or more in the state penitentiary or in the county jail at hard labor or in any municipal jail. No person may be placed in Class I if he or she has been convicted of an assault where the victims of such assault suffered the permanent loss or use of permanent partial loss or use of any bodily organ or appendage. No person may be placed in Class I if he or she has been convicted of a crime involving the perpetration of sexual abuse upon the person of a child under the age of seventeen years.

The court sentencing a person to prison shall note upon the

transcript to accompany such prisoner the fact that he or she has been sentenced as a result of a crime that forbids his or her being classified as a Class I prisoner.

If during the term of imprisonment a prisoner commits an offense or violates a rule of the department of corrections, all or any part of his correctional incentive time accrued pursuant to this section shall be forfeited.

The commissioner of the department of corrections shall have the power to restore to any prisoner who has heretofore, or who may hereafter, forfeit the deductions allowed him or her for good behavior, work habits and cooperation, or good conduct, by violating any existing law or prison rule or regulation such portion of his deduction for good conduct or good behavior as may be proper in his judgment, upon recommendation and evidence submitted to him by the warden in charge.

When a prisoner is serving two or more terms of imprisonment and the sentences run consecutively, then all such sentences shall be combined for the purpose of computing deductions for correctional incentive time and release date; however, the actual deduction from sentence for correctional incentive time provided by this section shall apply only to sentences to be served.

When a prisoner is serving two or more sentences which run concurrently, the sentence which results in the longer period of incarceration yet remaining shall be considered the term to which such prisoner is sentenced for the purpose of computing his release date and correctional incentive time under the provisions of this act. When computing the deductions allowed in this section on indeterminate sentences the maximum sentence shall be the basis for the computation. The provisions of this section shall be administered by the chief administration officer of the penal institution as it applies to prisoners in any state penal institution, by the sheriff of the county as it applies to prisoners in any county jail and by the chief of police as it applies to prisoners in any municipal jail.

Section 3. No deduction from sentence provided for by this act will be allowed for any time period served on parole. No deduction from sentence provided by this act will be used for determining an inmate's eligibility for parole.

Section 4. (a) Any good conduct time credit earned by or otherwise granted to a prisoner prior to enactment of this act, under laws existing prior to the passage of this act, shall be computed by the department of corrections through the date next preceding the

effective date of this act under such laws and such time credit, less any forfeited, shall be granted to the prisoner.

(b) The provisions of this act shall not be applicable to any prisoner serving time prior to the effective date of this act, nor to any person who commits an offense prior to the effective date of this act, even if such person is sentenced after the effective date of this act. Deductions from the sentences of such persons shall be earned at the same rate as provided by law prior to the enactment of this act. All constitutional rights, remedies and privileges of such persons shall not be reduced, diminished or abolished.

Section 5. Sections 14-9-1, 14-9-2, 14-9-4, 14-9-20, 14-9-21, 14-9-22, 14-9-23, 14-9-24 and 14-9-25, Code of Alabama 1975, relating to the commutation of sentences, are hereby specifically repealed, and all laws or parts of laws which conflict with this act are hereby repealed.

Section 6. Nothing herein shall be interpreted to give any retroactive effect to this act. Nothing contained in this act shall in any way be construed to repeal or affect the provisions of Section 1235 of Act No. 607 of the 1977 Regular Session, as amended, and now appearing as Section 13A-5-9 of the Code of Alabama 1975, as amended, or any other statute heretofore or hereinafter enacted in this state dealing with habitual felony offenders or the sentencing of such offenders.

Section 7. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 19, 1980

Time: 5:00 P.M.

Act No. 80-447

S. 573—Goodwin

AN ACT

To amend Section 41-9-450 of the Code of Alabama 1975, relating to the Sports Hall of Fame Board, so as to further provide for membership on the board.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 41-9-450 of the Code of Alabama 1975 is

hereby amended to read as follows:

“§41-9-450.

“There shall be created and established as provided in this article a board to be designated and known as the Alabama sports hall of fame board. The board shall be composed of ten members, eight of whom shall be appointed by the governor of Alabama for terms of six years each; provided, that of the first members appointed, two shall serve for two years, and three shall serve for four years as the governor may direct. One board member shall be appointed for each congressional district in the state. The ninth member of the board shall be the chairman or president of the Jefferson County civic center board by virtue of his office. The tenth member shall be appointed by the governor of Alabama from the State at-large for a term of six years.

“The members of the board shall select a chairman and vice-chairman from among their own number. Members of the board shall not be compensated for their services, but each member shall be entitled to reimbursement for expenses incurred in attending board meetings. The board shall meet quarterly and at such other times as its rules and bylaws may prescribe. A majority of the members shall constitute a quorum for transaction of business.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 8, 1980

Time: 5:30 P.M.

Act No. 80-448

S. 598—Proctor

AN ACT

Relating to Coosa County; providing a monthly expense allowance for the county coroner.

Be It Enacted by the Legislature of Alabama:

Section 1. In Coosa County, the coroner shall receive an expense allowance of not less than \$200.00 per month. Said expense allowance shall be in addition to any and all other salary, expense allowance or compensation heretofore payable by law and shall be

payable in monthly installments from any funds now under the control of the county commission.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 19, 1980

Time: 5:00 P.M.

Act No. 80-449

S. 286—Smith

AN ACT

To enact into law the “Alabama Energy Management and Conservation Act of 1980”; to make a legislative finding that the development, management and efficient use of energy resources requires a comprehensive and coordinated effort on the part of the state; to create an Alabama Department of Energy within the executive branch to be administered by a director to be appointed by the Governor; to prescribe the Department’s duties which are to formulate a state energy policy, to report regularly to the Governor and annually to the legislature, to inventory the state’s energy requirements and supplies, to formulate a state energy management program, to formulate an energy emergency plan, to monitor and/or administer energy related programs, to serve as an energy information clearinghouse, to keep proprietary information confidential, to administer educational and training programs, to review state government energy practices, to assist state institutions when applying for energy related contracts, to review the state’s revenue-producing practices for their impact on energy use and development, to provide for research, to receive federal and private funds, to enter into contracts, and to promulgate rules requiring the submission of energy related information, and to ensure energy conservation in state government, and to establish advisory groups; to create an Energy Advisory Council for purposes of evaluating state energy policy and advising the department; to provide for the assumption of the Energy Management Boards’ funds and contract; to provide for funding through appropriations from the general fund; and to prescribe sanctions for persons violating the provisions of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Title.

This act shall be known and may be cited as the “Alabama Energy Management and Conservation Act of 1980”.

Section 2. Legislative Intent.

The legislature finds that the development, management and efficient use of energy resources and the conservation of energy is of prime importance in an era of rising costs, foreign dependence, and

uncertain supplies. At the same time it is also important to protect the economic, social and environmental values of the citizens of the state. Such responsibilities require a comprehensive, coordinated capacity on the part of the state to respond to the needs and demands of her citizens. It is therefore the intent of the legislature:

(a) to ensure the wise development and efficient use of traditional energy sources;

(b) to encourage and assist the development, the use of renewable energy resources, demonstration, and placement in the marketplace of viable, alternative energy sources, more efficient uses of energy sources and other appropriate technology;

(c) to encourage the conservation and efficient use of all energy resources and to provide a governmental environment which will encourage and promote private investment and initiative in the development of new energy resources and more efficient use of all energy resources;

(d) to provide information to the public relating to energy saving uses, designs, and construction methods and techniques for all new and existing buildings;

(e) to increase the ability of state government to respond in an efficient, comprehensive, and coordinated manner to energy problems which may arise; and

(f) to assure, as far as practicable, an energy supply adequate to protect the economic, social, and environmental values the state's citizens now enjoy;

(g) to promote the identification of specifically designed energy management technologies;

(h) to disseminate information about such technologies; and

(i) promote the acceptance and adoption of such technologies by all energy-consuming sectors of the state's economy.

(j) It is the intent of the Legislature that the state shall not enter into the production or distribution of energy in any form.

Section 3. Departmental Organization.

(1) There is hereby created and established the Alabama Department of Energy. For the purposes of this act, the term

“department” or “ADE” means the “Alabama Department of Energy”.

(2) The programs and activities of the department shall be administered by a director with the assistance of such other officers, agents and employees as are necessary to carry out the functions of the agency. The director shall propose priorities and funding required to ensure that the programs and activities as provided in this act are effectively and efficiently carried out and that the intent of the legislature is fully implemented. The director shall organize and employ the staff of the department.

(3) The director of the department shall be appointed by, and serve at the pleasure of the Governor. The pay of the director shall be set by the Governor without regard to any other limitation set by law. Division chiefs shall be appointed by, and serve at the pleasure of, the director. The director shall be exempt from the Merit System Act, and the division chiefs shall serve as unclassified personnel under the Merit System Act. All shall be members of the State of Alabama retirement system. All other employees of the department shall be classified personnel and shall be members of the state merit system.

Section 4. Departmental Functions.

The programs and activities of the department shall include, but are not limited to, the following:

- (1) to develop and promulgate a state energy policy;
- (2) to report regularly to the Governor and annually to the legislature on the programs and activities of the department and to recommend needed changes in law or administrative practice;
- (3) to periodically assess state energy requirements, and to coordinate with the State Geologists, the State Oil and Gas Board, and other parties and with appropriate governmental agencies in their determination of available energy supplies and their capacities and their development;
- (4) to formulate and update annually a comprehensive state energy management program which shall identify alternative ways in which projected demands for all forms of energy may be met;
- (5) to formulate and update annually a contingency plan to provide for adequate energy supplies during any energy shortages which may occur;
- (6) to monitor existing programs relating to curtailment, allocation, conservation, planning, regulation, and management of all forms of energy and energy sources; and to administer all other

programs that are not otherwise provided by law;

(7) to serve as the state's clearinghouse for energy data. The clearinghouse shall be developed with the coordination and cooperation of other governmental data collection and record keeping systems to provide for an inventory, and the cataloging, and dissemination of energy related information. Upon the request of the director of the department, other governmental agencies, boards, and commissions shall, to the fullest extent possible, exchange records, reports, material, and other energy related information in an effort to avoid unnecessary duplication. If the amount of data requested by the department places an unreasonable burden on another agency's manpower or monies, then the department shall monetarily reimburse such agency for its efforts;

(8) to ensure that all information of a proprietary nature shall remain confidential;

(9) to develop, conduct and disseminate educational and training programs as provided in section 5 of this act;

(10) to review and study energy usage by state government agencies in order to determine the potential for energy conservation, and to recommend to the appropriate agency and the governor any administrative or legislative changes necessary to promote energy conservation;

(11) to assist and encourage the various state agencies and universities when applying for energy related contracts with federal or regional agencies or other groups. This shall be accomplished in such a manner to support and encourage the individual entrepreneurship of the universities in obtaining separately sponsored research;

(12) to review with appropriate energy related agencies regulatory or revenue-producing practices for their impact on energy production and consumption, and to recommend appropriate changes or modifications which may improve the state's energy position without harming its economic status;

(13) to constitute the responsible agency for administering and coordinating federal energy programs delegated to the state subsequent to the enactment of this bill. Excluded are those programs currently delegated to other agencies, and those programs having objectives consistent with the jurisdiction of other agencies.

(14) to encourage, and coordinate research, development, and

demonstration activities in the energy areas;

(15) to apply for, when appropriate, and receive and administer federal and private grant funds which contribute to the programs and activities as set forth in this act;

(16) to enter into interstate agreements and contracts, when appropriate, to accomplish jointly with other states and the federal government energy research or planning which contribute to the purposes of the department; and

(17) to perform any other function necessary for implementation and enforcement of this act.

Section 5. Public Awareness Programs.

The department shall conduct and administer public awareness and education programs which shall inform the public and state and local government policy-makers of at least the following:

(1) the energy prospects for the state;

(2) the alternative futures in economic and environmental terms under different energy policies;

(3) the manpower needs of alternative energy policies;

(4) the probable impact of existing and proposed actions of state and federal government;

(5) the potential of research and development programs; and

(6) the importance of and the technologies and methods necessary to achieve energy conservation goals in all consuming sectors of the state's economy.

Section 6. Rulemaking Power.

The department may, after appropriate notice and public hearing, upon request promulgate reasonable rules consistent with the laws of this state, for the following purposes:

(1) to ensure the department will, for the purpose of planning and policy formulation, be able to obtain all necessary information from state agencies, and information from energy producers, suppliers, and consumers that is not required to be submitted to other state government agencies;

(2) to ensure that energy conservation measures shall be practiced by state government; and

(3) to establish such advisory groups that from time to time

may be beneficial to the department.

Section 7. Administration and Reporting.

The department is solely responsible for the administration of this act; however, the department may enter into a contractual agreement with state agencies or departments, educational institutions, and such other organizations and individuals necessary to fulfill its responsibilities. Any agency, department, educational institution, or organization of the state which affects the administration or implementation of this act is required to communicate such activities to the department. Abstracts of proposals for energy related grants shall be sent to the department for informational and coordination purposes. Such abstracts shall remain confidential.

Section 8. Advisory Council.

(1) There is hereby created and established the Energy Advisory Council. For the purposes of this act the term "council" means the "Energy Advisory Council". The council shall be composed of the following:

(a) two members of the state senate designated by the president of the senate;

(b) two members of the state house of representatives designated by the speaker of the house of representatives;

(c) four representatives from state institutions of higher learning designated by the Governor, provided no two representatives shall be from the same institution, and provided one representative shall be from an historically black institution;

(d) three representatives of the citizens of the state, one designated by the Governor, one by the president of the senate, and one by the speaker of the house of representatives;

All other members will be appointed by the Governor from nominations submitted as follows:

(e) one representative of the Oil and Gas Board designated by the board;

(f) one representative of the Public Service Commission designated by the commission;

(g) one representative of the natural gas industry; designated by the Governor;

(h) one representative of the petroleum industry, designated by the Governor;

(i) one representative from the private investor-owned electric utility industry and one representative from the rural electric cooperatives.

(j) one representative of the coal industry, designated by the Governor;

(k) one representative of agriculture to be designated by the Commissioner of Agriculture and Industries and one representative of private, non-industrial forestry to be designated by the Alabama Forestry Commission.

(l) one representative of the manufacturing industry, designated by the Associated Industries of Alabama;

(m) one representative of city government to be designated by the Alabama League of Municipalities; and

(n) one representative of county government to be designated by the Association of County Commission of Alabama;

(o) one representative of registered professional engineers nominated by the Joint Engineers Council of Alabama, Inc.

(p) one representative of the Alabama Homebuilders Association to be nominated by the Association.

(q) One representative from an Alabama Technical College which offers a coal mine technology program.

(r) one representative of the State Department of Education.

(2) The advisory committee shall set up such subcommittees as it deems necessary.

(3) The director of the department shall serve ex officio as secretary to the council. The council shall meet as soon as practicable after the effective date of this act and shall choose from among its members a chairman and vice-chairman. The council shall meet as soon as practicable after the effective date of this act and shall choose from among its members a chairman and a vice-chairman. The council shall meet at least twice annually, at the call of the chairman, or when at least seven members of the council officially and in writing request the secretary of the council to call a meeting.

(4) Members of the council shall serve without compensation.

(5) Members of the council shall serve at the pleasure of the official responsible for designating them members, but in no case shall the term of any member exceed four years unless such member is redesignated in accordance with sub-section (1) of this

section.

Section 9. Council Duties and Functions.

The duties and functions of the council shall include, but are not limited to, the following:

(1) to evaluate and assess state energy policy and its impact upon the economy and the environment, and to report to the director of the department on its findings;

(2) to facilitate and encourage the cooperation of federal, state, and local government in the promotion and attainment of the purposes of this act;

(3) to enlist the cooperation of all appropriate private, public, civic, and community organizations and groups in implementing the purposes of this act;

(4) to advise the director of the department on matters relating to energy resource policy, development, and management and the programs and activities of the department; and

(5) to recommend to the director of the department additional legislation to further enhance the state's capabilities in energy matters.

Section 10. Funding and Assumption of Contracts.

The legislature shall appropriate moneys from the general fund for operation of the department; provided, however, that any appropriations or grants from any source whatsoever made to the Alabama Energy Management Board prior to the enactment of this act shall continue in full force and effect and shall be managed by the department. Any contracts or grants established by the Energy Management Board prior to the enactment of this act shall remain in effect and shall be assumed by the department.

Section 11. Proprietary Information.

No departmental employee or independent contractor shall divulge or make known in any manner any proprietary information acquired under the provisions of this act except in accordance with the order of a court of competent jurisdiction, as otherwise provided by law, or in the publication of statistical information compiled by methods which do not disclose the source of the information or the identity of individual companies. Nothing in this section shall be construed to prevent inspection of reports by the attorney general, members of the legislature, or other state agencies, provided that such agencies and their employees and members are bound by the requirements set forth in this section.

Section 12. Severability.

The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 13. Repealer.

All laws or parts of laws which conflict with this act are hereby repealed.

Section 14. Effective Date.

This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 19, 1980

Time: 5:00 P.M.

Act No. 80-450

S. 433—Parsons

AN ACT

Relating to Jefferson County; providing that any conveyance of property required to be recorded in the office of the probate judge must include the name and address of the person to receive the tax notice.

Be It Enacted by the Legislature of Alabama:

Section 1. In Jefferson County, any conveyance of property that is required to be recorded in the office of the probate judge must state the full legal name and complete address of the person to receive the tax notice of said property.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 19, 1980

Time: 5:00 P.M.

Act No. 80-451

S. 486—Parsons, Vacca, White, Clemon,
Proctor, Hall, Pearson and Cook

AN ACT

Relating to Jefferson County; further regulating the duties and authority of the judge of probate in said county so as to require that certain forms be made available in the office of the judge of probate for the use of all persons and parties in interest; and repealing any law in conflict with the provisions of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. In Jefferson County, in addition to any other duties prescribed by law and any provision in any law, whether special, local or general, to the contrary notwithstanding, the office of the judge of probate, and any branch thereof, shall make available all forms for change of name for the use of all persons and parties in interest. It shall be the responsibility of the presiding judge of probate of Jefferson County to enforce the provisions of this Act.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 19, 1980

Time: 5:00 P.M.

Act No. 80-452

S. 502—Teague

AN ACT

To provide for a supplemental salary for the District Attorney of the Thirtieth Judicial Circuit, to be paid by St. Clair County and to fix the amount and method of payment thereof; and to provide for retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to the salary paid to the District Attorney of the Thirtieth Judicial Circuit by the State, there shall also be paid to said District Attorney a supplemental salary in a sum equal to fifty percent of the supplement salary paid to the Circuit Judges by St. Clair County.

Such supplemental salary shall be paid out of the general fund of St. Clair County in monthly installments at the same time and in the same manner that the salaries of other county employees are

paid. The supplemental salary herein provided for shall be in lieu of any other supplemental salary heretofore provided for by law to be paid by St. Clair County; however, it shall be in addition to any other salary, compensation, allowance or expenses paid from the State as provided by law, and also in addition to any expense allowance paid from the counties composing such circuit pursuant to general law.

Section 2. The expense allowances provided hereinabove shall be payable retroactively to January 1, 1980.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 19, 1980

Time: 5:00 P.M.

Act No. 80-453

S. 503—McDonald

AN ACT

Relating to Madison County; to provide that any person who taught in more than one school system for a period in excess of thirty years, and who contributed to the Teachers' Retirement System and who drew retirement benefits prior to being appointed or elected to any elected office in Madison County, shall be entitled to continue receiving retirement benefits from the Teachers' Retirement System while serving as an elected official; providing retroactive payments for eligible persons.

Be It Enacted by the Legislature of Alabama:

Section 1. In Madison County, any person who taught in more than one school system for a period in excess of thirty years, and who contributed to the Teachers' Retirement System and who drew retirement benefits prior to being appointed or elected to any elected office in Madison County, shall be entitled to continue receiving full retirement benefits from the Teachers' Retirement System while serving as an elected official.

Section 2. Any person who is eligible to receive retirement benefits from the Teachers' Retirement System, pursuant to the

provisions of this Act, shall be paid retroactively all benefits he would have been entitled to, had he not been an elected official, within thirty days from the passage of this Act.

Section 3. The provisions of this Act are severable. If any part is the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 19, 1980

Time: 5:00 P.M.

Act No. 80-454

S. 595—Lemaster

AN ACT

Relating to Jackson County; providing an optional and alternative method of assessing and paying taxes on and issuing license tags for motor vehicles in such county.

Be It Enacted by the Legislature of Alabama:

Section 1. The Jackson County Commission shall furnish additional and sufficient personnel to the County Tax Assessor's office for the purpose of researching and obtaining the name of each county resident that owns a motor vehicle. The name of the owner shall be placed on a separate monthly roster, depending on the first letter of their last name as set forth by Act 79-797. This roster shall be completed by the first day of November 1980.

Section 2. The Tax Assessor shall, on the first day of December, 1980, mail to each auto owner who is to purchase auto tags in January, 1981, an application form, containing a space for the name and address of the owner of the motor vehicle, the make, model, year and motor number of the vehicle, the correct amount of ad valorem taxes, (state, county, school districts, municipal and other) and the amount of the motor vehicle license tax, the cost of tag, issuance and handling fee. Said form shall also include the final date due without penalty. The assessor shall keep a copy of each application on file. Each year hereafter, the assessor shall send such application to each auto owner on the first day of each month prior to the month of expiration of the current year's tag or decal.

Section 3. Once the auto owner receives his application he may sign the application form and return it by mail, together with his remittance of the total amount shown on the form, payable to the Probate Judge's office no later than the 7th day of the following month which is the month of expiration of the current year's tag or decal. If the auto owner has signed the application form and sent the correct amount then the Probate Judge shall stamp said form "paid" and mail it along with the auto tag or decal sticker to the applicant by the 28th day of the month. If there is an error made on behalf of the owner, the Probate Judge may notify the owner and the owner may send the additional amount needed or he may come by the probate office and correct the error and pick up his tag. If the applicant sent too large amount, the probate office shall refund him when his tag is mailed. If any applications are received by the probate office later than the 7th day of the month of the applicant's tag or decal expiration, he may file such application and keep them until the owner comes by the probate office and picks up his tag. At the end of each month the Probate Judge shall pay over to the tax collector the amount he received for ad valorem tax during that month.

Section 4. The fee for handling and mailing out auto tags shall be one dollar (\$1.00) per tag and such fee shall be paid to the judge of Probate. If and when the Judge of Probate goes on salary, such fee shall go into the county general fund. Such fee must be posted on application form sent to the auto owner and must be included with their remittance for ad valorem taxes, license taxes and other fees when returning such forms to the Probate Judge.

Section 5. The actual expense of preparing, posting, and mailing out of application forms shall be that of the county governing body. The county governing body shall also be responsible for any mistake made in the filling out of the application forms and neither the collector, assessor or probate judge shall be held accountable for errors made by county employees. Only car, pickups, and motorcycle tags may be ordered through mail.

Section 6. All the forms necessary in the administration of this act shall be furnished by the state department of revenue.

Section 7. The procedure authorized by this act for the payment of ad valorem taxes on motor vehicles and motor vehicle license taxes and the issuance of license tags is optional, an alternative to the procedure now provided by law. Each owner of a motor vehicle shall continue to have the right to pay taxes and to receive his tag in person, without the necessity of paying the mailing fee provided for herein.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this act are hereby repealed.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 19, 1980

Time: 5:00 P.M.

Act No. 80-455

S.J.R. 182—Miller

SENATE JOINT RESOLUTION

COMMENDING DECA OF ENTERPRISE HIGH SCHOOL,
ALABAMA CHAPTER OF THE YEAR.

WHEREAS, it is with extreme pleasure that the Alabama Legislature congratulates the Enterprise High School Chapter of the Distributive Education Clubs of America, recently named the top chapter in the entire State of Alabama; and

WHEREAS, in the Chapter of the Year event, chapters are competing for this highest honor that can be received in state and national competition with judging encompassing such areas as leadership ability, civic consciousness, social intelligence and vocational understanding; and

WHEREAS, it is also to be noted that in addition to Enterprise DECA's overall win and the state's Best Yearbook Award, the chapter boasted individual winners in some 50 percent of events entered by the student members; these winners, as well as the chapter as a whole, will now compete on the national level in Miami, Florida, June 21-26, 1980; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend the Enterprise High School Chapter of DECA and all its members on their prestigious showing as top winner of all Alabama chapters; we further extend sincere congratulations and indeed wish them well in national competition.

BE IT FURTHER RESOLVED, That the chapter receive a copy of this resolution, which evidences the Legislature's esteem,

with a copy also provided for appropriate school display at Enterprise High School.

Approved May 19, 1980

Time: 5:00 P.M.

Act No. 80-456

S.J.R. 183—Miller

SENATE JOINT RESOLUTION

COMMENDING MAYOR L. FRANK SAWYER FOR MERITORIOUS SERVICE TO THE CITY OF NEW BROCKTON.

WHEREAS, the Legislature of Alabama has noted the recent retirement of Mr. L. Frank Sawyer, Sr., as Mayor of New Brockton, in Coffee County, Alabama; and

WHEREAS, a native of New Brockton, Mayor Sawyer was first elected to office in 1974 to be re-elected in 1978; a former city councilman, prior to his service in mayoral capacity, he also is a longtime employee of the Dorsey Trailer Company in Elba; and

WHEREAS, it is to be noted that the City of New Brockton greatly prospered under the purposeful leadership of Mayor Sawyer; his reorganization of city government and other innovations have resulted in a totally debt-free financial status for the city, and have further resulted in other major improvements including a complete new water system for the city; and

WHEREAS, New Brockton also was able to purchase much needed equipment including a new fire truck and an ambulance for the New Brockton Rescue Squad, which was instrumentally formed under Mayor Sawyer; and

WHEREAS, during a recent dinner in his honor, Mayor Sawyer was presented a plaque in appreciation for those many accomplishments during his tenure and, additionally, for his role in securing a new elementary school, high school football field and recreation park for the city; and

WHEREAS, a longtime member of the Methodist Church, he also has evidenced deep involvement in other community affairs as a lifetime member of the New Brockton Athletic Club and as a member for many years of the Exchange Club; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That

we unite with the City of New Brockton, Alabama, in most highly commending Mayor L. Frank Sawyer for meritorious service in public, community and civic affairs; we further direct that he receive a copy of this resolution, tendered in appreciation and in high regard.

Approved May 19, 1980

Time: 5:00 P.M.

Act No. 80-457

S.J.R. 184—Miller

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF MR. WILLIAM MARVIN LEWIS, JR., OF COTTONWOOD, HOUSTON COUNTY, ALABAMA.

WHEREAS, the Alabama Legislature is deeply saddened by the death of Mr. William Marvin Lewis, Jr., of Cottonwood, Alabama, on April 17, 1980, at the age of 78; and

WHEREAS, a native of Houston County and lifetime resident of Cottonwood, Mr. Lewis was a former mayor of his beloved hometown from 1920 until 1965, a long and prestigious tenure of some 45 years; a past president and chairman of the board of the Bank of Cottonwood, he also was a prominent businessman as a partner in W. M. Lewis and Son Store and Farms; and

WHEREAS, Mayor Lewis, who was a graduate of Dothan High School and of Atlanta's Oglethorpe University, held membership in the Cottonwood United Methodist Church and was a member of Pi Kappa Phi fraternity; and

WHEREAS, an outstanding member of his community, Mr. Willie Lewis was beloved of family and friends who are sorely grieved by the loss of one who so sacrificially served in the interest and well-being of his fellowman; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mr. William Marvin Lewis, Jr., and extend our most heartfelt sympathy to his wife, Mrs. Bernice Howell Lewis, to their children, James and Sylvia Hughes, and other family members, to whom copies of this resolution shall be sent.

Approved May 19, 1980

Time: 5:00 P.M.

Act No. 80-458

S.J.R. 185—Little, Bailey, Barron, Britnell,
Callahan, Clemon, Cook,
deGraffenried, Denton, Figures,
Glass, Goodwin, Gullledge, Hall,
Harrison, Higginbotham,
Holmes, Keener, Kirkland,
Lemaster, McDonald, Martin,
Miller, Mitchem, Parsons,
Pearson, Proctor, Robertson,
Smith, St. John, Taylor,
Teague, Vacca, Weeks and
White

SENATE JOINT RESOLUTION

WISHING COACH RALPH "SHUG" JORDAN ALL GOOD
WISHES FOR A SPEEDY AND COMPLETE RECOVERY.

WHEREAS, the Legislature of Alabama expresses deep regret and concern in the illness of Alabama's beloved Coach Ralph "Shug" Jordan who remains hospitalized following heart surgery at Brookwood Medical Center in Birmingham, Alabama; and

WHEREAS, Coach Jordan's illness is an experience of shared distress by all citizens of our state who are ever mindful and deeply appreciative of the innumerable and outstanding contributions Coach Jordan has made not only to Auburn University but to all of Alabama, as well; and

WHEREAS, we are pleased to hear that the prognosis at this time is encouraging though his complete recovery will of course take time, no doubt necessitating further treatment and extensive care; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we sincerely and deeply regret the illness of Coach Ralph "Shug" Jordan and do most earnestly beseech his complete recovery in the shortest possible time.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Coach Jordan that he may know of our warm best wishes for him and for his family during his illness.

Approved May 19, 1980

Time: 5:00 P.M.

Act No. 80-459

S.J.R. 189—Little

SENATE JOINT RESOLUTION

COMMENDING THE AUBURN UNIVERSITY SOIL JUDGING TEAM FOR AN UNPRECEDENTED THIRD NATIONAL CHAMPIONSHIP.

WHEREAS, the Auburn University Soil Judging Team composed of students David Bridges, Ronnie Jernigan, Donnie Parrish, Ramona Pelletier, and William Puckett in the School of Agriculture placed first in the 20th annual National Collegiate Soil Judging Contest at University Park, Pennsylvania, on April 18, 1980; and

WHEREAS, this was the third consecutive year that the Auburn team has placed first, which is unprecedented in the history of the contest; and

WHEREAS, this team was coached by Dr. Ben Hajek, outstanding soil scientist in the Department of Agronomy and Soils, who also coached the previous two years' winners; and

WHEREAS, this team competed against 16 regional championship teams from major universities across the nation; and

WHEREAS, the soil is one of our nation's most important natural resources; and

WHEREAS, the Number One Soil Judging Team in the nation has brought honor and distinction both to Auburn University and to the entire State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend and congratulate members of the Auburn University Soil Judging Team and their coach for this outstanding accomplishment.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the president of Auburn University, to the Dean of the School of Agriculture, and to the team members and their coach, as evidence of our congratulations and high regard.

Approved May 19, 1980

Time: 5:00 P.M.

Act No. 80-460

S.J.R. 195—Kirkland

SENATE JOINT RESOLUTION

COMMENDING THOSE INDIVIDUALS AND COMPANIES WHO RENDERED EXTRAORDINARY SERVICE IN CONNECTION WITH DISASTER RELIEF WORK IN THE AFTERMATH OF HURRICANE FREDERIC.

WHEREAS, Hurricane Frederic was responsible for causing widespread damage to the forests of southwest Alabama; and

WHEREAS, the timber interests in southwest Alabama were practically devastated monetarily by the winds of Hurricane Frederic; and

WHEREAS, urgent action was needed to provide disaster relief and cleanup operations for this area of Alabama; and

WHEREAS, it was imperative to speed-up and expedite the clearing of roadways and the harvesting and marketing of fallen timber in order to salvage the same from decay; and

WHEREAS, Bobby McCann, Jessie Blackmon, Mack Barrow, Sam Baker, Ray Lowery, James Duncan, Bobby Kent, Rufus Kelsoe, Art Arnold and Jerrald Peavy, as employees of Union Camp Woodlands Division, and Dock Jones and Billy Jones, as employees of Rocky Creek Logging Company and Bob Freese, Gary Gaston, Tim Mixon, Allan Jaye, Jessie Shive, Willie Fairly, Dave Hall, Robert Yelder, Vincent Yelder and Ron True, as employees of Alabama River Woodlands, Inc., and T. R. Miller Mill Company, Inc., through it's President, John Richard Miller, provided unselfish and dedicated service above and beyond their regular duties in connection with the disaster relief work done in the aftermath of Hurricane Frederic; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we do highly commend these individuals and companies for the tireless effort and unselfish dedication in providing disaster relief and cleanup work in the aftermath of Hurricane Frederic resulting in the salvage of damaged timber in southwest Alabama.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to each of the above persons in recognition of his service and dedication and that he may be aware of our commendation of him.

Approved May 19, 1980

Time: 5:00 P.M.

AN ACT

To provide for the transfer of contributions and creditable service from the Employees' Retirement System of Alabama and/or the Teachers' Retirement System of Alabama to the Judicial Retirement Fund of Alabama; to provide that, if transferred creditable service is used to qualify for retirement under the Judicial Retirement Fund, then the benefits provided thereunder shall be reduced and adjusted and to provide that the provisions of this act shall be cumulative and supplemental.

Be It Enacted by the Legislature of Alabama:

Section 1. TRANSFER OF CREDITABLE SERVICE.

(a) Any member of the Judicial Retirement Fund of Alabama, established by, and operating under, the provisions of Chapter 18 of Title 12 of the Code of Alabama 1975, who, not more than one year prior to becoming a member of the Judicial Retirement Fund, was a member of the Employees' Retirement System of Alabama or the Teachers' Retirement System of Alabama may elect to transfer to the Judicial Retirement Fund his creditable service and accumulated contributions in said Employees' or Teachers' Retirement System, as herein provided.

(b) Any such member desiring to transfer such creditable service and contributions shall notify the board of control of the Employees' Retirement System within one year after he becomes a member of the Judicial Retirement Fund, or, if a member of the Fund on the effective date of this Act, then, within one year after the effective date hereof, of his election to transfer such creditable service and shall authorize transfer of the amount of his accumulated contributions to his credit in said Employees' or Teachers' Retirement System to his account in the Judicial Retirement Fund.

(c) The board of control transferring said creditable service and contributions shall thereupon certify to the board of control of the Employees' Retirement System and to the Judicial Retirement Fund the amount of contributions and service creditable to the member at the time of separation from the transferring retirement system. The member shall be credited in the Judicial Retirement Fund with the creditable service and accumulated contributions so certified.

Section 2. ADJUSTED BENEFITS BASED ON TRANSFERRED CREDITABLE SERVICE.

(a) Any member of the Judicial Retirement Fund of Alabama whose creditable service and contributions have been certified and transferred to the Judicial Retirement Fund, shall be entitled to retire under the said fund on service or disability, upon attaining

sufficient years of age and creditable service, including credit for service transferred to the Fund under the provisions hereof, to qualify for said retirement, in accordance with the service and age requirements contained in Chapter 18 of Title 12 of the Code of Alabama of 1975 for the judicial position in which such member is serving at the time of retirement, subject to the adjustments in benefits and allowances provided for herein;

The surviving spouse of a member of the Judicial Retirement Fund shall, be entitled to count or employ creditable service certified and transferred hereunder to the Fund on or before the date of death of the member in order to qualify for any benefits and/or allowances provided for said spouse under Chapter 18 of Title 12 of the Code of Alabama 1975, subject to the adjustments in benefits and allowances provided for herein;

(b) In the event a member of the Judicial Retirement Fund or the surviving spouse thereof, except a district or probate judge or surviving spouse thereof, must employ and count creditable service transferred under this Act to qualify for retirement and/or benefits under the Fund, the benefits or allowances payable to such member or spouse, shall be calculated as follows, and shall be in lieu of any and all other rights, benefits and allowances, except social security payments:

(i) the annual service allowance payable to such retiring member shall be an annual amount equal to the sum of:

(a) the amount which results when the current salary payable by the State for the judicial position from which the member is retiring is multiplied by the percentage factor resulting from multiplying (seventy-five percent (75%)) by the ratio created when the member's number of years of creditable service, excluding transferred credit, is compared to the number years of creditable service required under Chapter 18 of Title 12 of the Code of Alabama of 1975, to retire on service with respect to the member's age at the time of retirement, and,

(b) Two and one-eightieth percent (2.0125%) of the member's average final compensation, that is the average annual compensation, during the three (3) years in the last ten (10) years of creditable service transferred hereunder for which such average is highest, or during his entire period of transferred creditable service if less than three years credit is transferred hereunder multiplied by the number of years of the member's creditable service transferred under the provisions of this act.

The annual service allowance shall be payable to a retiring

member in equal monthly installments but, anything herein to the contrary notwithstanding, shall not exceed seventy-five percent (75%) of the current salary payable from the state for the judicial position from which the member retired.

(ii) The annual allowance payable to the surviving spouse of a member shall be an annual amount equal to the sum of:

(a) Three percent (3%) of the current salary payable from the state for the judicial position from which the deceased member retired or in which the member was serving, prior to retirement, at the time of death multiplied by the member's number of years of creditable service, excluding transferred credit, and,

(b) Forty percent (40%) of two and one-eightieth percent (2.0125%) of the member's average final compensation for the creditable service transferred hereunder multiplied by the number of years of the members creditable service tranferred under the provisions of this act.

The annual allowance to the surviving spouse shall be payable in equal monthly installments for the remainder of the surviving spouse's life or until remarriage, but, anything herein to the contrary notwithstanding, said annual allowance shall not exceed thirty percent (30%) of the current salary payable by the state to the judicial position from which the member retired or in which said member was serving prior to retirement at the time of death.

(iii) The annual disability allowance payable to a retiring member shall be an annual amount equal to the sum of:

(a) A percentage of the current salary payable by the State for the judicial position from which the member is retiring multiplied by the member's number of years of creditable service, excluding transferred credit, in accordance with the following schedule:

Creditable Service	Percentage of Salary
1	5
2	10
3	15
4	20
5	30
6	35
7	45
8	55
9	65
10	75

and,

(b) Two and one-eightieth percent (2.0125%) of the average final compensation for the period of transferred service credit multiplied by the member's number of years of creditable service transferred hereunder.

The annual disability allowance shall be payable in equal monthly installments but, anything herein to the contrary notwithstanding, said allowance shall not exceed seventy-five percent (75%) of the current salary payable by the state to the position from which the member retired.

Section 3. In the event a member of the Judicial Retirement Fund, who is a District Judge, or a surviving spouse thereof, must employ and count creditable service transferred under this Act to qualify for retirement and/or benefits under the Fund, the benefits or allowances payable to such member or spouse shall be calculated as follows, and shall be in lieu of any and all other rights, benefits and allowances, except social security payments:

(a) the annual service allowance payable to a retiring district judge shall be an annual amount equal to the sum of:

(i) the amount which results when ninety percent (90%) of the retirement benefits payable by the State to circuit judges on the date such district judge retires (as is provided under section 12-18-58 of the Code of Alabama of 1975) is multiplied by the ratio created when the member's number of years of creditable service, excluding transferred credit, is compared to the number of years of creditable service required under Section 55 of Chapter 18 of Title 12 of the Code of Alabama of 1975, to retire on service with respect to the member's age at the time of retirement, and,

(ii) Two and one-eightieth percent (2.0125%) of the member's average final compensation, that is the average annual compensation, during the three (3) years in the last ten (10) years of creditable service transferred hereunder for which such average is highest, or during his entire period of transferred creditable service if less than three years credit is transferred hereunder multiplied by the number of years of the member's creditable service transferred under the provisions of this act.

The annual service allowance shall be payable to such retiring district judge in equal monthly installments but, anything herein to the contrary notwithstanding, shall not exceed ninety percent (90%) of the retirement benefits payable by the State to a circuit judge on the date such district judge retires.

(b) The annual disability allowance payable to a retiring district judge shall be an annual amount equal to the sum of:

(i) A percentage of the salary payable by the State for an active district judge at the date of such district judge retires multiplied by the member's number of years of creditable service, excluding transferred credit, in accordance with the following schedule:

Creditable Service	Percentage of Salary
1	5
2	10
3	15
4	20
5	30
6	35
7	45
8	55
9	65
10	75

and,

(ii) Two and one-eightieth percent (2.0125%) of the average final compensation for the period of transferred service credit multiplied by the member's number of years of creditable service transferred hereunder.

The annual disability allowance shall be payable in equal monthly installments but, anything herein to the contrary notwithstanding, said allowance shall not exceed seventy-five percent (75%) of the salary payable by the State for the position from which the member retired at the time of retirement.

(c) The annual allowance payable to the surviving spouse of a district judge shall be an annual amount equal to the sum of:

(i) Five hundred fifty dollars (\$550) multiplied by the member's number of years of creditable service as a district judge or as are intermediate court judge excluding transferred service, and not to exceed ten (10) years, and,

(ii) Forty percent (40%) of two and one-eightieth percent (2.0125%) of the member's average final compensation for the creditable service transferred hereunder multiplied by the number of years of the member's creditable service transferred under the provisions of this Act.

The annual allowance to the surviving spouse shall be payable in equal monthly installments for the remainder of the surviving spouse's life or until remarriage, but, anything herein to the contrary notwithstanding, said annual allowance shall not exceed the maximum survivor benefit allowable under section 60 of

Chapter 18 of Title 12 of the Code of Alabama of 1975.

Section 4. In the event a member of the Judicial Retirement Fund, who is a Probate Judge, or a surviving spouse thereof, must employ and count creditable service transferred under this Act to qualify for retirement and/or benefits under the Fund, the benefits or allowances payable to such member or spouse shall be calculated as follows, and shall be in lieu of any and all other rights, benefits and allowances, except social security payments:

(a) the annual service allowance payable to a retiring probate judge shall be an annual amount equal to the sum of:

(i) the amount which results when sixty-five percent (65%) of the base sum or salary upon which such judge was contributing, as provided in Section 12-18-82 of the Code of Alabama of 1975, immediately prior to retirement is multiplied by the ratio created when the member's number of years of creditable service, excluding transferred credit, is compared to the number of years of creditable service required under Article 4 of Chapter 18 of Title 12 of the Code of Alabama of 1975, to retire on service with respect to the member's age at the time of retirement, and,

(ii) Two and one-eightieth percent (2.0125%) of the member's average final compensation, that is the average annual compensation, during the three (3) years in the last ten (10) years of creditable service transferred hereunder for which such average is highest, or during his entire period of transferred creditable service if less than three years credit is transferred hereunder multiplied by the number of years of the member's creditable service transferred under the provisions of this act.

The annual service allowance shall be payable to such retiring probate judge in equal monthly installments but, anything herein to the contrary notwithstanding, shall not exceed sixty-five percent (65%) of the base sum or salary upon which such judge was contributing immediately prior to retirement.

(b) The annual disability allowance payable to a retiring probate judge shall be an annual amount equal to the sum of:

(i) A percentage of the base sum or salary contributed upon immediately prior to retirement by such probate judge multiplied by the member's number of years of creditable service, excluding transferred credit, in accordance with the following schedule:

Creditable Service	Percentage of Salary
1	5
2	10
3	15

4	20
5	30
6	35
7	45
8	55
9	65
10	75

and,

(ii) Two and one-eightieth (2.0125%) of the average final compensation for the period of transferred service credit multiplied by the member's number of years of creditable service transferred hereunder.

The annual disability allowance shall be payable in equal monthly installments but, anything herein to the contrary notwithstanding, said allowance shall not exceed seventy-five percent (75%) of the salary or base sum upon which the member was contributing immediately prior to retirement.

(c) The annual allowance payable to the surviving spouse of a probate judge shall be an annual amount equal to the sum of:

(i) Four hundred eighty dollars (\$480) multiplied by the member's number of years of creditable service as a probate judge, excluding transferred service, not to exceed ten (10) years, and,

(ii) Forty percent (40%) of two and one-eightieth percent (2.0125%) of the member's average final compensation for the creditable service transferred hereunder multiplied by the number of years of the member's creditable service transferred under the provisions of this Act.

The annual allowance to the surviving spouse shall be payable in equal monthly installments for the remainder of the surviving spouse's life or until remarriage, but, anything herein to the contrary notwithstanding, said annual allowance shall not exceed the maximum survivor benefit allowed under Section 12-18-87 of the Code of Alabama of 1975.

Section 5. The provisions of this Act are cumulative and supplemental to other law or laws relating to this subject and shall not be construed to repeal any law or part of law not directly in conflict herewith.

Section 6. This Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 19, 1980

Time: 5:00 P.M.

AN ACT

To provide the manner corporations not of a business nature may amend or alter their charters.

Be It Enacted by the Legislature of Alabama:

Section 1. Unless otherwise provided any corporation, not of a business character, may alter or amend its charter whenever not less than three-fourths in number of its members, in case of corporations having no central or general governing body, or where such corporations have a central or governing body, then whenever not less than three-fourths of the first four principal officers of such central or general governing body, shall file in the office of the judge of probate of the county wherein the original declaration of incorporation was filed or in cases where the charter was granted by an act of the legislature, prior to the adoption of the Constitution in 1901, in the office of the secretary of state, a declaration in writing signed by them setting forth: When such corporation was organized, its name, what changes, if any, it is desired to make in such name. The purposes of such corporation as the same are set forth in the original declaration of incorporation, and the alterations and the amendments thereof, if any are desired. If it is desired to increase its powers as to the holding of real estate in area and value and of personal property in value, such declaration shall set forth the limitations prescribed as to these matters in the original articles of incorporation, and any amendments heretofore made thereto, and shall also set forth the increase in area of real property it is desired to acquire and hold, together with the purposes for which it is desired, and the increase in value of personal property desired to be acquired and held, and the purpose for which it is desired, and if such purposes as so declared are not violative of any of the laws or public policies of the state of Alabama, the filing of such declaration shall authorize and empower such corporation to acquire and hold such additional real estate and personal property. But no such change or alteration in the charter or character of any corporation shall authorize it to exercise any power or to do any acts which similar corporations are not authorized to do under the laws existing at the time such alteration or amendment may be made, nor to decrease its capital stock below the minimum fixed by existing laws.

Section 2. The declaration provided in the preceding section shall be verified by the affidavit of some one or more of the signers, stating that the statements contained therein are true, and the signers thereof signed the same in the presence of affiant, or

acknowledged their signatures thereto to him; and upon the filing of such declaration in the office of the judge of probate or secretary of state, as the case may be, it shall be the duty of such officer to issue a certificate, certifying that such corporation under its new name and style, is duly authorized to do business with the powers and capacity conferred after such alterations and amendments. Such declaration and certificate must be recorded in the office of the judge of probate or the secretary of state, in and from which the same are filed and issued.

Section 3. The provisions of this act are cumulative and shall not be construed to repeal or supersede any laws not directly inconsistent herewith.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 19, 1980

Time: 5:00 P.M.

Act No. 80-463

S. 222—Martin

AN ACT

To amend Section 41-16-51 of the Alabama Code of 1975 relating to exemptions from the competitive bid law applicable to local governments so as to correct an error made by the codifiers of the Code in the exemption relating to medical clinic boards.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 41-16-51 Code of Alabama 1975 is hereby amended to read as follows:

“Section 41-16-51. Contracts for which competitive bidding not required generally; governing bodies or instrumentalities of counties, municipalities and certain state and local institutions to establish and maintain purchasing facilities and procedures for competitive bidding in operation and management of institutions, facilities, etc., under supervision and control thereof; contracts entered into in violation of article void.

(a) Competitive bids shall not be required for utility services, the rates for which are fixed by law, regulation or ordinance, and the competitive bidding requirements of this article shall not apply to:

- (1) The purchase of insurance;
 - (2) The purchase of ballots and supplies for conducting any primary, general, special or municipal election;
 - (3) Contracts for the securing of services of attorneys, physicians, architects, teachers, superintendents of construction, artists, appraisers, engineers, consultants, certified public accountants, public accountants or other individuals possessing a high degree of professional skill where the personality of the individual plays a decisive part;
 - (4) Contracts of employment in the regular civil service;
 - (5) Contracts for furnishing of fiscal or financial advice or services;
 - (6) Purchases of products made or manufactured by the blind or visually handicapped under the direction or supervision of the Alabama Institute for Deaf and Blind in accordance with sections 21-2-1 through 21-2-4;
 - (7) Purchase of maps or photographs from any federal agency;
 - (8) Purchases of manuscripts, books, maps, pamphlets or periodicals;
 - (9) The selection of paying agents and trustees for any security issued by a public body; nor
 - (10) Contractual services and purchases of commodities for which there is only one vendor or supplier and contractual services and purchases of personal property which by their very nature are impossible of award by competitive bidding.
- (b) This article shall not apply to:
- (1) Any purchases of products where the price of such products is already regulated and established by state law;
 - (2) Purchases made by individual schools of the county or municipal public school systems from moneys other than those raised by taxation or received through appropriations from state or county sources;
 - (3) The purchase, lease, sale, construction, installation, acquisition, improvement, enlargement or expansion of any building or structure or other facility designed or intended for lease or sale by a medical clinic board organized under the provisions of sections 11-58-1 through 11-58-14;

(4) The purchase, lease or other acquisition of machinery, equipment, supplies and other personal property or services by a medical clinic board organized under the provisions of sections 11-58-1 through 11-58-14;

(5) Purchases for public hospitals and nursing homes operated by the governing boards of instrumentalities of the state, counties and municipalities;

(6) Contracts for the purchase, lease, sale, construction, installation, acquisition, improvement, enlargement or extension of any plant, building, structure or other facility or any machinery, equipment, furniture or furnishings therefor designed or intended for lease or sale for industrial development, other than public utilities, under the provisions of sections 11-54-80 through 11-54-99 or sections 11-54-20 through 11-54-28 or any other statute or amendment to the Constitution of Alabama heretofore or hereafter enacted or adopted authorizing the construction of plants or other facilities for industrial development or for the construction and equipment of buildings for public building authorities under the provisions of sections 11-56-1 through 11-56-22; nor

(7) The purchase of equipment, supplies or materials needed, used and consumed in the normal and routine operation of any waterworks system, sanitary sewer system, gas system or electric system, or any two or more thereof, that are owned by municipalities, counties or public corporations, boards or authorities that are agencies, departments or instrumentalities of municipalities or counties and no part of the operating expenses of which system or systems have, during the then current fiscal year, been paid from revenues derived from taxes or from appropriations of the state, a county or a municipality.

(c) The said state trade schools, state junior colleges, state colleges and universities under the supervision and control of the state board of education, the city and county boards of education, the district boards of education of independent school districts, the county commissions and the governing bodies of the municipalities of the state shall establish and maintain such purchasing facilities and procedures as may be necessary to carry out the intent and purpose of this article by complying with the requirements for competitive bidding in the operation and management of each such state trade school, state junior college, state college or university under the supervision and control of the state board of education, the city and county boards of education, the district boards of education of independent school districts, the county commissions and the governing bodies of the municipalities of the state and the governing boards of instrumentalities of counties and

municipalities, including waterworks boards, sewer boards, gas boards, and other like utility boards and commissions.

(d) Contracts entered into in violation of this article shall be void."

Section 2. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately following its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 19, 1980

Time: 5:00 P.M.

Act No. 80-464

S. 243—Pearson

AN ACT

To amend section 11-81-6 of the Code of Alabama 1975, which pertains to the maturity dates of bonds issued by a municipality or county, and to repeal section 11-81-7 of the said code, which pertains to the same subject.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11-81-6 of the Code of Alabama 1975 shall be and hereby is amended so that the said section will read as follows:

"§11-81-6.

The principal of all bonds issued under this chapter, except bonds issued under division 1 of article 4 of this chapter, shall be payable as provided in this section.

(1) The principal of all such bonds, other than revenue bonds as defined in subdivision (2) of this section, shall be payable on such date or dates as shall be specified in the ordinance or resolution providing for their issuance; provided, that

a. The principal of each such bond shall be payable not later than 30 years after its date; and

b. If such bonds shall be issued for the purpose of acquiring property or making improvements, then all the principal thereof shall be payable within the period of usefulness of the property or improvement for which the bonds are issued as such period shall be estimated under the provisions of section 11-81-8;

(2) The principal of all revenue bonds (which are hereby defined as bonds payable solely out of revenues to be derived from a specified system or systems or other property or improvements) issued under the provisions of this chapter shall be payable on such date or dates as shall be specified in the ordinance or resolution providing for their issuance; provided that

a. The principal of each such revenue bond shall be payable on a date not later than 50 years after its date; and

b. If such revenue bonds shall be issued for the purpose of acquiring property or making improvements, then all the principal thereof shall be payable within the period of usefulness of the property or improvement for which such revenue bonds are issued as such period shall be estimated under the provisions of section 11-81-8.

(3) Refunding bonds issued under this chapter that are revenue bonds as defined in subdivision (2) of this section shall be subject to the provisions of subdivision (2) of this section. All other refunding bonds issued under this chapter (except those issued under division 1 of article 4 of this chapter) shall be subject to the provisions of subdivision (1) of this section."

Approved May 19, 1980

Time: 5:00 P.M.

Act No. 80-465

S. 456—Martin

AN ACT

To amend Section 15-22-2 of the Code of Alabama 1975 which relates to the contributions by parolees and probationers towards the cost of supervision and rehabilitation so as to increase the required contribution amount that must be made by parolees and probationers and exempt from payment certain hardship cases.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 15-22-2 of the Code of Alabama 1975 which relates to contributions by parolees and probationers towards the cost of their own supervision and rehabilitation is amended to read as follows:

"Section 15-22-2. (a) Any person who is placed on parole by the board of pardons and paroles or any person who is granted probation by a court of competent jurisdiction and who is subject to supervision by the board of pardons and paroles, except those persons transferred to or from other states under the provisions of

the Interstate Compact for the supervision of parolees and probationers, and who is gainfully employed shall be required to contribute \$15.00 per month toward the cost of his supervision and rehabilitation beginning 30 days from the date he is employed. Such sum shall be deducted by the parolee or probationer from his monthly net earned income and shall be delivered to the board of pardons and paroles on or before the fifth day of each month for deposit in the general funds of the state treasury on or before the tenth day of each month. By prior agreement between an employer and employee, an employer may deduct such \$15.00 from the monthly net earned income of the parolee or probationer and remit such amount to the board of pardons and paroles by the fifth day of each month. The responsibility of assuring such contribution shall remain that of the parolee or probationer. Exemptions from payments required by this act may be granted for undue hardship on a case by case basis by the sentencing court in probation and the board of pardons and paroles in parole cases.

"In the event of over two months arrearage or delinquency in making such contribution, such arrearage or delinquency shall constitute sufficient ground for revocation of the parole or probation of the person in arrears.

"There shall be established a probationers' upkeep fund. All monies received pursuant to this section since August 24, 1976, shall be transferred by the state treasury into such fund for the credit and use of the board of pardons and paroles and all sums collected pursuant thereto after May 5, 1977, shall be deposited into the treasury to the credit of said fund. All such funds shall be withdrawn or expended only for the purposes stated in this section. Such funds are hereby appropriated to the board of pardons and paroles for the purposes stated in this section.

"There is hereby appropriated for the current fiscal year \$50,000.00 from said fund to the board of pardons and paroles for the purposes of supervising parolees and probationers who are gainfully employed.

"(b) The amount of contribution of each parolee and probationer of his monthly net earned income shall be excluded from the person's taxable income for the purpose of determining such person's state income tax liability.

"(c) A parolee or probationer authorized to work at paid employment in the community under the provisions of this section shall comply with all rules and regulations promulgated by the board of pardons and paroles."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 19, 1980

Time: 5:00 P.M.

Act No. 80-466

S. 497—Taylor, Goodwin,
Higginbotham, Weeks, Denton,
Keener, Bailey, Martin and
Mitchem

AN ACT

To amend Sections 4 and 5 of Act No. 79-808, H. 823, Regular Session, 1979, (Acts of '79, p. 1487) which relates to the financial responsibility for the cost of medical treatment of certain indigent patients.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 4 and 5 of Act No. 79-808, H. 823, Regular Session, 1979 (Acts of 79, p. 1487) is hereby amended so as to read as follows:

“Section 4. Financial responsibility for out of county indigent patients treated at a regional referral hospital.—Ultimate financial responsibility for treatment received at a regional referral hospital by a certified indigent patient, who is a resident of the State of Alabama but is not a resident of the county in which the regional referral hospital is located, shall be the obligation of the county of which the certified indigent patient is a resident. A county's annual financial responsibility for each of its resident certified indigent patients receiving treatment at a regional referral hospital shall be limited to payment for thirty (30) days or the number of days of services allowed per annum for the care of Medicaid patients through the State Medicaid Program at the time of the patient's hospitalization, whichever shall be less, at the per diem reimbursement rate currently in effect for the regional referral hospital under the medical assistance program for the needy under Title XIX of the Social Security Act, as amended. No county shall be required to pay for services at a regional referral hospital when such services are available at a local hospital in the county where the indigent resides, except that the county where the indigent resides shall be liable for the cost of treatment provided to said certified indigent at a regional referral hospital for any emergency medical condition which will deteriorate from failure to

provide such treatment and when such condition is determined by the attending physician to be of an emergency nature. Provided however, no county shall be required to pay for services at a regional referral hospital for any patient that has received medical assistance during the current year through the State Medicaid Program. Provided, further, no county shall be required to pay for services at a regional referral hospital for any patient until all third party payors have paid all they are obligated to pay under any contract of insurance or otherwise.

“Section 5. Certification of indigency for the purpose of this Act; rules.—Not later than October 1, 1979, the Department of Pensions and Security shall adopt rules which provide a statewide eligibility standard to certify residents of each county as indigent for the purposes of this Act. These rules shall further provide that certification as indigent for the purposes of this Act may occur either prior to a person’s admission to a regional referral hospital, or subsequent to such admission for an emergency condition, but in any event if a determination of whether a patient meets or does not meet eligibility standards for certification as indigent for the purpose of this Act is not made within 90 days following written notification by the regional referral hospital to the county of residence of the patient’s admission to a regional referral hospital, the patient shall be considered to have been a certified indigent patient upon admission. A patient certified as indigent for the purpose of this Act subsequent to his or her admission to a regional referral hospital shall be considered to have been certified upon admission. Such certification shall be made by a person designated by the board of county commissioners, or in the absence of such a designated person, by the county health officer. Furthermore, any county may establish standards of eligibility which are less restrictive than the standards adopted by the department under this section and no county may establish standards which are more restrictive than the standards adopted by the department under this section.”

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on

May 21, 1980 without approval by the Governor.

Act No. 80-467

S. 587—White

AN ACT

To amend Sections 34-20-4, 34-20-7 and 34-20-13 of the Code of Alabama 1975, relating to the board of examiners of nursing home administrators so as to alter the composition of the board, provide for an annual license fee, and provide for an annual audit.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 34-20-4, 34-20-7, and 34-20-13 of the Code of Alabama 1975, are hereby amended to read as follows:

“§34-20-4. (a) There shall be a board of examiners of nursing home administrators, which board shall be composed of six members as follows: Three members shall be nursing home administrators duly licensed and registered under this chapter; one member shall be a physician licensed under the laws of the State of Alabama who is actively concerned in their practice with the care of chronically ill and infirm, aged patients, one member shall be a hospital administrator, and one member shall be a registered nurse, licensed in Alabama, who has five years experience as a geriatric nurse and who is actively serving as a Director of Nursing in a geriatric facility. All members of the board shall be citizens of the United States and shall be residents of the state.

“(b) Except where provided otherwise, all board members shall serve three (3) year terms and no board member shall serve more than two (2) consecutive full three year terms. All members shall continue to serve until a successor is appointed by the Governor.

“(c) Appointments to the board for those positions to be held by nursing home administrators shall be made by the governor from a list of three nominees for each position to be submitted to the governor by the Alabama Nursing Home Association; the appointment to the board of the member for the position to be held by a physician shall be made by the governor from a list of three nominees to be submitted by the Medical Association of the State of Alabama; the appointment to the board of the member for the position to be held by a hospital administrator shall be made by the governor from a list of three nominees to be submitted to him by the Alabama Hospital Association; and the appointment to the board of the member for the position to be held by a licensed registered

nurse shall be made by the governor from a list of three nominees to be submitted to him by the Alabama State Nurses Association.

“(d) The governor may remove any examiner for misconduct, incapacity, incompetence or neglect of duty after the examiner so charged has been served with a written statement of charges and has been given an opportunity to be heard. Absence from any three consecutive meetings of the board within a calendar year, without cause acceptable to the governor and the board, shall be deemed cause for removal of any examiner.

“(e) Any vacancy created by the death, resignation, or removal of any examiner shall be filled by the governor, by appointment for the unexpired term in the same manner as he is required by this chapter to make appointments.

“(f) Each member of the board shall receive a per diem fee of not less than \$50.00 nor more than \$100.00 to be determined by the board for the time spent in the performance of official duties and in necessary travel and shall be reimbursed for all proper travel and incidental expenses as provided by the laws of the state of Alabama and by regulations of the state personnel director incurred in carrying out the provisions of this chapter. In setting the per diem fee, the board shall give due consideration to funds which are available for such purpose.

“(g) The board shall hold four or more meetings a year. A majority of the members of the board shall constitute a quorum at any meeting except as provided in section 32-20-14. A majority vote of the members present shall be sufficient to transact the business of the board except as provided in section 34-20-14. Meetings may be called by the chairman or by a majority of the members of the board. Members shall be given seven days' written notice of all meetings.

“(h) The board shall annually elect one of its members to serve as its chairman, and he/she shall be elected at the first meeting of the board held after October 1 of each year and shall serve until the first meeting held after October 1 of the following year. The board shall also annually elect one of its members to serve as its vice-chairman, and he/she shall be elected at the first meeting of the board held after the first day of October of each year, and he/she shall serve until the first meeting held after October 1 of the following year. In the event of the death, resignation or removal of the chairman from the board, the vice-chairman shall succeed said chairman for the remainder of the unexpired term; and in the event of the death, resignation or removal of the vice-chairman from the board, or in the event of his succeeding to the office of chairman, his

successor shall be elected by the board to fill the remainder of the unexpired term as vice-chairman. The chairman of the board and, in his/her absence, the vice-chairman, shall preside at all meetings of the board. The chairman of the board may appoint a secretary to the board with the consent of the members of the board who shall serve at the pleasure of the board. The secretary's salary shall be fixed by the board, and shall be the executive officer to the board but shall not be a member of the board. The secretary shall have such powers and shall perform such duties as are prescribed by law and the rules and regulations of the board. A clerk and sufficient deputy clerks to adequately assist the board and secretary in the keeping of the records and in the performance of their duties may be appointed by the board subject to the provisions of the merit system."

"34-20-7. The board of examiners of nursing home administrators is hereby authorized to receive and expend, in carrying out the purposes of this chapter, all sums paid by applicants and registrants as provided in this chapter, and all sums which might be appropriated for such purposes, and are also authorized to receive and expend any funds available for such purposes from the federal government. An annual financial audit shall be conducted of all receipts and expenditures, and a written report of the audit shall be given to each board member."

"§34-20-13. (a) Every individual who holds a valid current license as a nursing home administrator issued by the board under this chapter shall immediately upon issuance thereof have the right and privilege of acting and serving as a nursing home administrator and of using the abbreviation 'N.H.A.' after their name. Thereafter, such individual shall annually be required to make application to the board for a renewal of license and report any facts requested by the board on forms provided for such purpose.

"(b) Upon making application for a renewal of license, such individual shall pay an annual license fee of not more than \$50.00 as determined by the board, and, at the same time, shall submit evidence satisfactory to the board that during the year immediately preceding such application for renewal he/she has complied with the requirements of the board concerning the continuation of education of nursing home administrators.

"(c) Upon receipt of such application for renewal of license, the renewal fee and the evidence with respect to continuing education, the board shall issue a license renewal to such nursing home administrator.

“(d) A nursing home administrator who has been duly licensed in this state, whose license shall not have been revoked or suspended, but who has not secured timely annual renewals of license because he/she has temporarily abandoned the practice of nursing home administration, or has been removed from the state, or for such other reason, may renew the license within the state upon complying with the provisions of this section for applications for renewal, and also, filing with the board an affidavit of such facts; provided, that the board may, in its discretion, require an examination for such an applicant who has not held a valid license in this state for five years or longer.

“(e) The board shall maintain a register of all applications for licensing of nursing home administrators, which register shall show the following information on each applicant: residence, name, age, the name and address of his employer or business connection, the date of application, educational and experience qualifications, action taken by the board, serial numbers of licenses issued to the applicant and the date on which the board acted on or reviewed the application.

“(f) The board shall publish biennially a list of all persons holding current licenses issued by the board.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 19, 1980

Time: 5:00 P.M.

Act No. 80-468

S.J.R. 196—Harrison

SENATE JOINT RESOLUTION

CONGRATULATING WETUMPKA HIGH SCHOOL,
STATE 3A BASKETBALL CHAMPIONS.

WHEREAS, for the second consecutive year, the Wetumpka High School Indians have claimed the Class 3A State Basketball Championship, with this year's crown the result of the Indians 74-66 victory over the Leeds Green Wave in the title match in Tuscaloosa, Alabama; and

WHEREAS, 22-4 going into post season play, Wetumpka High was 28-4 over all, averaging 74.6 points per game to their opponents

56.9; and

WHEREAS, the Indians' back-to-back Championships were both achieved under Head Coach Stokely Bazemore who has now relinquished his position as basketball coach in order to assume other athletic and administrative duties; and

WHEREAS, Wetumpka tribe members are James Buycks, Alonza Cook, Tony Cox, Charlie Crenshaw, Martin Crenshaw, Lewis Jackson, Steve Slaughter, Greg Terrell, Lewis Washington and Danny Williams, and Coach Bazemore was ably assisted by Coach Charles Johnson; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Coach Bazemore, his entire staff and his 3A State Championship tribe on their second straight Basketball Title.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for appropriate school display with a copy also sent to Coach Bazemore, on behalf of the team, in token of our warm praise and high regard.

Approved May 19, 1980

Time: 5:00 P.M.

Act No. 80-469

S.J.R. 197—Harrison, Bailey, Barron,
Britnell, Callahan, Clemon,
Cook, deGraffenried, Denton,
Figures, Glass, Goodwin,
Gulledge, Hall, Higginbotham,
Holmes, Keener, Kirkland,
Lemaster, Little, McDonald,
Martin, Miller, Mitchem,
Parsons, Pearson, Proctor,
Robertson, Smith, St. John,
Taylor, Teague, Vacca, Weeks
and White

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF A. DEAN BLACKWELL,
JR., OF MONTGOMERY, ALABAMA.

WHEREAS, the Legislature of Alabama has been deeply

saddened by the death of A. Dean Blackwell, Jr., of Montgomery, Alabama, on May 3, 1980, at the early age of just 29 years; and

WHEREAS, born in Wiesbaden, Germany, Dean Blackwell was a lifelong resident of Montgomery and was educated in the public schools of that city, graduating from Jefferson Davis High School with the Class of 1969; he also was a graduate of Auburn University where he was a member of Delta Sigma Phi fraternity; and

WHEREAS, evidencing his early achievement, Dean Blackwell was named among the "Outstanding Young Men in America" for the past two years; also, attesting to his competency in business affairs, he qualified for the President's Council, 1978-79, and for the President's Round Table, 1979-80, both indicative of outstanding achievement in the insurance industry; and

WHEREAS, a member of the board of directors of the Montgomery Jaycees, he also was a past vice president of that service organization and was a member of the Frazer Memorial United Methodist Church; and

WHEREAS, Dean Blackwell was indeed consequential in his life of service to others and his loss is deeply felt by all those whose lives he touched and who, even in grief, give thanks for his having lived; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of A. Dean Blackwell, Jr., and extend our most heartfelt sympathy to all his family.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to his wife, Rebecca Dodson Blackwell, and their children, Amy and Buddy; to his parents, Mr. and Mrs. Arnold D. Blackwell, Sr.; to his sisters, Mrs. Dorothy Shinaberger and Miss Willa Blackwell; to his parents-in-law, Mr. and Mrs. Hal M. Dodson, Jr., and Mr. and Mrs. Arthur Crowe; and other family members that they may know we deeply share the sorrow of their great loss.

Approved May 19, 1980

Time: 5:00 P.M.

SKINNER PRINTING COMPANY

3221 THOMASON AVENUE

MONTGOMERY, ALABAMA